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THE RELATIONSHIP OF PRESIDENTIAL EXTRA-ORDINARY POWERS TO
THE DEVELOPMENT OF A NON-DEMOCRATIC POLITICAL SYSTEM: THE
CASE OF THE PHILIPPINES

Claremont Graduate School

Ph.D. 1986

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THE RELATIONSHIP OF PRESIDENTIAL EXTRA-ORDINARY POWERS
TO THE DEVELOPMENT OF A NON-DEMOCRATIC POLITICAL
SYSTEM: THE CASE OF THE PHILIPPINES

By

CECILIA B. PALACOL

A Dissertation submitted to the Faculty
of Claremont Graduate School in partial
fulfillment of the requirements for the
degree of Doctor of Philosophy in the
Graduate Faculty of Government

Claremont

1986

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We, the undersigned, certify that we have read this dissertation and approve it as adequate in scope and quality for the degree of Doctor of Philosophy.

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Abstract of the Dissertation

THE RELATIONSHIP OF PRESIDENTIAL EXTRA-ORDINARY
POWERS TO THE DEVELOPMENT OF A NON-
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by

CECILIA B. PALACOL

Claremont Graduate School: 1986

The provision for and use of emergency or extraordinary power is the general topic of this dissertation. To illustrate its practice, the dissertation is a comparative study of the offices of president in the United States and the Philippines and the exercise of such power by those officers. The major research focuses on the proclamation of President Marcos on September 21, 1972, declaring martial law in the Philippines, thus ending the democratic experiment initiated there seven decades earlier.

The underlying hypothesis of this study is that extra-ordinary powers create the potential for extra-ordinary abuses. To prevent that potential from becoming a reality, it is essential that appropriate safeguards are established to forestall and prevent their misuse. Such safeguards were not in place in the Philippines but do exist in the American setting.

Thus, the Philippines now faces tremendous political, economic, and social pressures which have badly affected its internal stability. Considering the overall situation of the country, it is imperative that the democratic tradition and rule of law which has prevailed in the Philippines before martial law be installed again as soon as possible.

Historical and analytical approaches were used in the research to present the background of presidential extra-ordinary powers. The decision-making approach was used to analyze the decision of President Marcos in proclaiming martial law and his choice of an authoritarian form of government. The institutional approach and content analysis were utilized to examine the interrelationships among social and political institutions in the Philippines. Interviews were employed to obtain data on the crises of Philippine leadership under President Marcos. Primary sources such as president decrees, letters, ordinances, and secondary sources such as articles and books were also used extensively.

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ACKNOWLEDGEMENTS

This dissertation is dedicated to my husband, Alfredo, and our two sons, Don-Don and Dodjie, who gave their support and love. It is also dedicated to my father and mother, Tomas and Emily Batnag, who sacrificed a great deal for the education of their children.

Special acknowledgements are extended to my advisory committee composed of Harold Rood (Chairman), George Blair, Alfred Louch, and Lindsey Moore. Each brought a perspective to the subject, giving me the guidance and encouragement needed to pursue this study successfully.

My special thanks goes to my sisters Annie Jane Batnag, for consistent moral and financial support, and Eunice B. Daytec and her family for taking care of my affairs in the Philippines; to Mrs. John Schiefferle, my American AFS mother, for her thoughtfulness and financial support; and to Jeanne Gutman, for her concern.

My appreciation is also extended to the Institute of International Education for their Fulbright Hayes Fellowship and to Claremont Graduate School for their Claremont Graduate School University Fellowship. Finally, Ms. Pat Harrell, my editor and typist, deserves special recognition.

CHAPTER I

INTRODUCTION

The Problem

The recognized need for and the practice of investing government with emergency powers has a long history. Aristotle describes certain Greek city-states which resorted to elective tyrannies when law and order in those communities was threatened by civil strife. The Roman republic also provided for emergency situations in its elaborate constitutional framework. During times of "grievous wars or serious unrest," the normal practice of investing executive authority in two consuls could be changed by the Roman senate, empowering the two consuls to choose one person to function as a temporary dictator.¹

The same need has been recognized and considered by political philosophers. In 1690, in his Second Treatise on Government, John Locke acknowledged that limited government was essential to democracy but recognized that dire circumstances could warrant government's assumption of extra-ordinary powers. Of the branches of government, he

¹Clinton Rossiter, Constitutional Dictatorship (Princeton, NJ: Princeton University Press, 1948), p. 19.

favored the assignment of such powers to the executive, arguing that the sovereign should have the prerogative "to act according to discretion for the public good, without the prescription of the law and sometimes even against it." He chose the executive for the exercise of this power since

legislators not being able to foresee and provide by laws for all that may be useful to the community, the executor of the laws, having the power in his hands, has by common law of Nature a right to make use of it for the good of society.²

Jean Jacques Rousseau also addressed the appropriateness of granting emergency powers to the government when it was necessary to suspend the normal constitutional processes. In The Social Contract, written in 1762, he wrote:

The inflexibility natural to laws, which hinders their bending to events, may in certain cases be pernicious, and, in a crisis, even occasion the ruin of the State. The order and slowness of legal forms require a space of time which circumstances sometimes refuse. . . . For this reason it is advisable not to establish political institutions so strongly as to prevent a possibility of suspending their operation.³

This additional capacity of an agent of government to exercise extra-ordinary powers is not an historical curiosity or merely a theoretical concern. American presidents have

²Peter Laslett, Locke's Two Treatises of Government (Cambridge: Cambridge University Press, 1967), pp. 392-3.

³Jean Jacques Rousseau, The Social Contract (New York: Hafner Press, 1947), p. 110.

declared six state or limited state emergencies since 1933.⁴ President Ferdinand E. Marcos utilized his emergency power to impose martial law throughout the Philippines from 1972 to 1981.

The provision and use of emergency and extraordinary powers is the general topic of this dissertation. To illustrate its practice, a comparative study will be made of the offices of president in the United States and the Philippines and the exercise of such power by that officer. The major research will focus on the proclamation of President Marcos on September 21, 1972, declaring martial law in the Philippines and thus ending the democratic experiment initiated there seven decades earlier.

The underlying hypothesis of this study is that extra-ordinary powers create the potential for extra-ordinary abuses. To prevent that potential from becoming a reality, it is essential that appropriate safeguards are established to forestall and prevent the misuse of extra-ordinary powers. Such safeguards were not in place in the Philippines but do exist in the American setting.

Methodology

Various approaches and methods are employed in this research. Historical and analytical approaches are used

⁴J. Malcolm Smith and Cornelius Cotter, Powers of the President During Crises (New York: DaCapo Press, 1972), p. 134.

to show the background of presidential extra-ordinary powers. The decision-making approach is utilized to analyze the decision of President Marcos in proclaiming martial law and his choice of an authoritarian form of government.

The institutional approach and content analysis are utilized to examine the complexity of interrelationships among social and political institutions in the Philippines. Interviews provided data on the crises of Philippine leadership under President Ferdinand Marcos. Primary sources such as presidential decrees, letters, ordinances and secondary sources such as articles and books are employed extensively.

Organization of the Study

The remainder of the dissertation is organized into six chapters. Chapter II gives background information on the Philippines, including the transformation of its government from the tribal system to the Third Republic established on July 4, 1946. The general outline of the American and Philippine offices of president is presented in Chapter III. Chapter IV is devoted to a comparative study of presidential term of office in the two countries. A comparative study of presidential extra-ordinary powers in the American and Philippine settings is developed in Chapter V. Chapter VI describes the circumstances leading up to Proclamation 1081 by President Marcos in 1972. The impact and repercussions of that proclamation on Philippine

society are described in Chapter VII as well as the lifting of martial law in 1981. The chapter also addresses the central problem of the post-martial law period: economic crises, Aquino's death, the insurgency problem, religious strife, popular demands and finally a conclusion to the study.

CHAPTER II

THE PHILIPPINE SETTING

The current political setting in the Philippines can best be understood in light of its geographical, historical, economic, cultural, and political background.

Geographically, the Philippines is an archipelago with a land area of some 115,600 square miles. It has 7,000 islands and islets stretching almost a thousand miles from north to south (see map). It is surrounded by the South China Sea to the west and north, the Pacific Ocean to the east, and the Celebes Sea to the south.¹ Though the archipelago is cut up into more than 7,000 islands, only about 800 are inhabited. The rest are rocks or beautiful coral formations that break the surface of the sea. Only on the largest islands, Luzon and Mindanao, are there any points as far as 75 miles from the coast. The principal smaller islands comprise the Visayas group, between the larger two.²

It is a country which is a little larger than Great

¹Russell Cheetham and Edward Hawkins, Priorities and Prospects for Development (Washington, D.C.: The World Bank, 1976), p. 3.

²Onofre D. Corpuz, The Philippines (Englewood Cliffs, NJ: Prentice-Hall, 1965), p. 3.

Britain and Ireland, a little smaller than Japan or Spain, and approximately the size of Italy or Arizona.³ In the Pleistocene era the Philippines was connected by land bridges to Borneo, Java, Sumatra, and mainland Asia; today the old land bridges are submerged, but their peaks survive as the Palawan island groups, which almost secure the archipelago to Borneo like a pair of broken anchor chains.⁴

The Philippines has the face of an underdeveloped but developing country. At one extreme, the countryside is marked by small communities where there has been little change over the last 100 years; at the other stands centers of urban life and modern technology.⁵ This overriding geographical dispersion makes for the isolation of some islands and creates transportation as well as communication difficulties which contributes to the difficulty of governing the country.

Most Philippine farming villages, called "barrios," are off the road. The farmer's houses are clustered together by the fields that are planted with rice, corn, vegetables, and other crops of small-scale agriculture. Life here is lived today as it was half a century ago but

³ Jaime T. Infante, The Political, Economic and Labor Climate in the Philippines (Philadelphia: University of Pennsylvania, 1980), p. 2.

⁴ Corpuz, p. 3.

⁵ Ibid., p. 8.

is beginning to be reached by modern influences. The presence of man is more visible in the poblacion, which is the center of town, the administrative unit.

Manila, the leading city of the Republic, has a long and rich history, although the official capital is neighboring Quezon City. Manila is a cosmopolitan, modern metropolis. The city leads the rest of the country in absorbing the cultural and technological imports that have entered the Philippines. The population of metropolitan Manila in the 1980s was 4,977,000. Other major cities are Cebu, with a population of 450,000 and Davao with 450,000.⁶

There are more than a hundred languages and dialects in the Philippines, nine of which may be considered major languages (see figures on next page). The 1985 census estimated the population of the country at around 55 million. As to religion, Islam remains firmly established in Southern Mindanao, although the overwhelming majority of people are professed Christians rather than Muslims, Buddhists or Hindus.⁷ Eighty-five percent are Roman Catholics, 9 percent Protestants, 5 percent Muslim, and 1 percent a variety of other religions.⁸

⁶Infante, p. 2.

⁷Teodoro Agoncillo and Milagros Guerrero, History of the Filipino People (Quezon City: Garcia Publishing Co., 1977), p. 58.

⁸George E. Delury, World Encyclopedia of Political Systems and Parties (New York: Facts on File, 1983), p. 821.

Major Indigenous Languages Spoken:
Mother Tongue Statistics

Language	Percentage of Total Population	
Cebuana	24.1	(Visayas and Mindanao)
Tagalog	21.0	(Luzon and Mindanao)
Iloco	11.7	(North Luzon and Mindanao)
Panay-Hilagayan	10.4	(Visayas)
Bikol	7.8	(South Luzon)
Samar-Leyte	5.5	(North Visayas)
Pampango	3.2	(Central Luzon)
Pangasinan	2.5	(Central Luzon)
Magindanao	1.5	(Mindanao and Sulu)
Tausug	1.1	(Mindanao and Sulu)
Aklanon	1.1	(North Visayas)
	<hr style="width: 20%; margin: 0 auto;"/>	
	89.9%	

SOURCE: Onofre D. Corpuz, The Philippines (Englewood Cliffs, NJ: Prentice-Hall, 1965), p. 77.

The vast majority of Filipinos live outside of the sphere of government and religion. Their basic concerns are making a living and maintaining a system of smooth inter-personal relationships. Social relationships revolve around a modified family-centered focus, which leads to a highly personalized value system governing one's dealing with others.⁹

These social structures and institutions and religious and language diversities have influenced the behavior and aspirations of the Filipino people. They have also generated the many different problems; the varying points of view; and the continuing, conflicting interests which

⁹Corpuz, p. 8.

have determined the quality of Filipino politics and government.¹⁰

From the barangay (the tribal system), Filipino government gradually transformed into its present form. The development was not a choice by the Filipino people but rather the product of foreign influence as a result of a long history of colonialism. These different periods--the pre-Spanish era, the Spanish era, the Malolos Republic, the American period, the Japanese occupation, and Philippine Independence until the delcaration of martial law by President Ferdinand Marcos--are briefly reviewed below.

Pre-Spanish Era

There is little information about this period. The Muslims of Mindanao and Sulu were governed by the Sultans of Maguindanao and Jolo.¹¹ The chief figure was the datu, generally a son or other blood relative of the founder of the settlement, while in the case of the Visayas and Luzon there were communities called barangays, named after the boat that brought the original migrants from their homes in Malaysia and Indonesia. These barangays were ruled by a chieftain who had the power to exercise all the functions

¹⁰Jose Velaso Abueva and Raul P. de Guzman, Foundations and Dynamics of Filipino Government and Politics (Manila: Bookmark, Inc., 1969), p. 4.

¹¹Agoncillo and Guerrero, p. 45.

of government. He was the executive, legislator, and judge. He was, naturally, the supreme commander in time of war.¹²

Spanish Era

For more than 250 years, Spain administered the Philippines through the council of the Indies (Consejo de Indies), a very powerful body vested with all governmental powers--legislative, executive, and judicial. This council transmitted to the governor-general the royal decrees that guided every governor-general's administration of the Philippine colony. These royal orders and edicts, the Recopilacion (commonly called the Laws of the Indies); the medieval Spanish legal code, Las Siete Partidas; as well as a spate of sumptuary and other laws applicable to other Spanish colonies were irrelevant to conditions in the Philippines, were the legal basis of Spain's colonial policy in the Philippines.¹³

The integration of the Philippines into the Spanish Empire necessitated the establishment of a strong paternalistic and highly centralized government headed by a governor-general. The governor-general possessed kingly powers and was far removed from supervision by the peninsular government. Thus, the governor became the fountainhead of

¹²Ibid., p. 84.

¹³Ibid.

graft and corruption in the Philippines. The office of the governor was often purchased or bestowed as a favor and generally involved a short tenure of office, averaging two years and ten months. Thus, the governor-general was always involved in the frantic operation of amassing a fortune before his term of office expired.¹⁴

There was little political organization during the first three decades of the Spanish regime. The Spanish divided the Philippines into jurisdictions called encomiendas. The encomienda was, theoretically, a right vested by the king upon a Spaniard who had helped in the pacification and settlement of a "heathen" country. As such, it was a public office. The encomiendero was empowered to collect taxes in return for protecting the natives and converting them to Catholicism. However, due to the abuses perpetrated by the encomienderos, the system was abolished and was replaced by a system of provincial governments. There were two types of provincial government. The first was the alcaldia-mayor, or province where peace and order had already been established. The second was ruled by corregidores or politico-military governors. These were the so-called corregimientos, or territories that were not pacified.¹⁵

With regard to municipal governments, the Spanish

¹⁴ Ibid.

¹⁵ Gerardo S. Espina, Philippine Government (Quezon City: Panamao Publishing House, 1981), p. 9.

assimilated the barangays, the pre-colonial units of government. Since this created resistance from the former datus and rajahs among the Filipinos, the colonial authorities chose former chieftains and their descendants to fill positions in the municipal as well as village units of the government. These municipal offices were open to Filipinos.¹⁶

The Dictatorial Government of Aguinaldo

The dictatorial government of General Emilio Aguinaldo was proclaimed on May 24, 1898. His rule was brought about by the rise of the Katipunan, the Biaknabato agreement, and the misunderstanding with Commodore Dewey. The government was dictatorial in the sense that it ruled by decrees promulgated under Aguinaldo's sole responsibility. Aguinaldo, however, promised to terminate the exercise of dictatorial powers as soon as the country was set free and a republican government was established.¹⁷

Aguinaldo may be credited with the proclamation of Philippine Independence in Kawit, Cavite, on June 12, 1898.¹⁸ On this occasion the Filipino flag, which had been made in Hong Kong, was officially unfurled for the first time while

¹⁶ Ibid.

¹⁷ Primo L. Tongko, The Philippine Government under the Fourth Republic (Quezon City: R. P. Garcia Publishing Co., 1981), p. 20.

¹⁸ Ibid.

the National Hymn was played. The Declaration of Philippine Independence was written by Ambrosio Rianzares Bautista and is similar to the Declaration of Independence of America written by Thomas Jefferson in 1776. It was signed by ninety-eight persons including an American colonel by the name of L. M. Johnson.¹⁹ On June 23, 1898, Aguinaldo created a republican government.

The Malolos Republic

The Filipino leaders met at Baroscain Church in Malolos, Bulacan, on September 15, 1898, after the end of the Philippine Revolution. It was their intention to assist the government in administering affairs of the country and also to write a constitution which would provide the outline for and framework of government. These events led to the inauguration of the Malolos Constitution on January 23, 1899.

The constitution embodied the cherished aspirations, traditions, and political wisdom of the Filipino people and, as such, is the first important document ever produced by the Filipino people's representatives. It is anchored in democratic traditions that ultimately had their roots in American soil. It created a Filipino state whose government

¹⁹For the full text of this historic document, see Maximo M. Kalaw, The Development of Philippine Politics (N.p.: n.p., n.d.), pp. 415-7. The Republic Act No. 4166 changed the date of celebrating Philippine Independence for the Republic to June 12 and July 4, Philippine Independence Day.

was "popular," representative, and responsible with three distinct branches--executive, legislative, and judiciary. The Malolos Constitution contained libertarian ideas which sought to guarantee the inherent rights of the Filipinos and, as a whole, it showed the capacity of Filipinos to chart their own cause along democratic lines.

The American Era

The United States implanted in the Philippines the principles and practices of democracy, ushering in a new era in Philippine history. Americans landed on the shores of the Philippines after the annihilation of the Spanish Armada but the American regime in the Philippines began with the Treaty of Paris which was signed on December 10, 1898. With this treaty, the United States in effect purchased the Philippines and Puerto Rico from Spain for \$20 million.

The American regime in the Philippines can be divided into three stages: the period from 1898 to 1916, when the Philippine government was actually a government of Americans aided by Filipinos; the period from 1916, the passage of the Jones Law, to 1935; and the period from 1935 to July 4, 1946, the Commonwealth period.²⁰

On August 21, 1898, a military governor took over control of the Philippines, deriving his powers from the

²⁰Tongko, pp. 23-24.

war powers of the U.S. president. This military regime paved the way for the establishment of a civil government, with President McKinley appointing the members of the Schurman Commission in March 1899. On January 31, 1900, the Commission submitted to McKinley a recommendation for the establishment of a civil government in the Philippine Bill of 1902--considered to be the first Philippine organic act until it was superseded by the Jones Law of 1916. This bill retained the executive powers of the government in the Philippine Commission.

The Jones Law

In 1916, the U.S. Congress passed the Jones Law or the Philippine Autonomy Act. In this law, the United States restated its colonial policy in the Philippines and made it clear that the purpose of the war against Spain was not for conquest or territorial aggrandizement and that independence would be granted to the Philippines as soon as a stable government could be established.²¹

As an organic act, the Jones Law provided for citizenship and the bill of rights provisions of the Philippine Bill. It broadened popular representation by abolishing the appointed commission and substituting for it an elected Senate as the upper house of the legislature. It

²¹Abueva and de Guzman, p. 46.

transferred to the Philippine government all the property rights acquired by the U.S. from Spain under the Treaty of Paris. It defined the powers of the governor-general as chief executive. It provided for the appointment of a vice-governor and the creation of an auditing office. It distributed the jurisdiction of the courts and regulated the granting of franchises. As the Jones Law gave to the Filipinos complete authority to pass laws subject to veto by the U.S. President, it enabled Filipinos to acquire more training and experience in self-government.²²

The Tydings-McDuffie Law

The United States Congress passed the Independence Law or Tydings-McDuffie Law in 1934, which constituted America's redemption of the pledge contained in the Jones Law. The Tydings-McDuffie Law established a commonwealth government, headed by a Filipino president deriving powers from a Filipino-written constitution.²³ The Independence Law provided for the calling of a constitutional convention that would frame a constitution to govern the Philippine Commonwealth during the ten-year transition period and the succeeding republic was to be established upon the grant of independence on July 4, 1946.²⁴

²²Ibid.

²³Espina, p. 11.

²⁴Abueva and de Guzman, p. 47.

The Japanese Occupation

The American Commonwealth in the Philippines was interrupted by the Japanese when Japanese naval bombers attacked Pearl Harbor in Hawaii in December 1941. The United States declared war against Japan and, as a result of the war in the Pacific, the Philippines was occupied by the Japanese.²⁵ On January 3, 1942, the commander-in-chief of the Japanese Imperial Forces, General Masaharu Homma, issued a proclamation announcing the end of the American occupation.²⁶ Filipinos suffered during the three years of Japanese occupation because civil liberties were suppressed, the economy was geared to the demands of the Japanese war efforts, and political life was limited to the Japanese-sponsored Republic. Finally, on February 3, 1945, elements of the American military entered Manila, forcing Japan to surrender.

The Third Republic

The president of the United States was authorized to proclaim the independence of the Philippines under the Joint Resolution No. 93, as approved by the United States Congress on June 29, 1944, after the Japanese had been vanquished and the constitutional process had been restored

²⁵ Agoncillo and Guerrero, p. 84.

²⁶ Ibid.

in the country. The Republic of the Philippines was formally inaugurated on July 4, 1946, with Manuel A. Roxas as the first president and Elpidio Quirino as the first vice-president. The 1935 Constitution has served as the fundamental law not only for the Commonwealth government which was interrupted by a total war, but also for the Republic of the Philippines until the ratification of the new Philippine Constitution which established a parliamentary form of government, effected by virtue of Proclamation No. 1102 of President Ferdinand E. Marcos on January 17, 1973.²⁷

²⁷Hector S. DeLeon and Emilio Lague, Jr., Textbook on the New Philippine Constitution (Quezon City: Rex Printing, 1984), p. 20.

CHAPTER III

THE OFFICE OF PRESIDENT IN THE UNITED STATES AND THE PHILIPPINES

This chapter will provide a brief survey of the American and Philippine presidencies in terms of their establishment, major powers, and exercise of these powers as a background to this study.

Establishing the Office

One problem that confronted the American founders during the summer of 1781 in Philadelphia was the question of the national executive. The constitutional convention repeatedly confronted the problem of the presidency throughout the debates leading to the drafting of the constitution.¹

A majority of the convention finally accepted the viewpoint of Alexander Hamilton, who argued for a strong executive possessing "energy and dispatch." They wanted a leader who could unify the people, but they also feared a leader who could appeal to the masses for his office and powers. They wanted a symbol for the head of state, but

¹Harold M. Barger, The American Presidency: Myths and Realities (New York: Robert A. Taft Institute of Government, 1979), p. 11.

most of them did not want a monarch. The end product of their deliberations was an office that promised more power than was explicitly provided. The presidency was left somewhat open for posterity to shape.²

Major Powers

The presidency of the United States has sometimes been described as the most powerful office in the free world, if not on earth; and other times the president has been likened to the wretched Sisyphus, who was condemned forever to roll a stone up a hill in Hades, only to watch it roll down again as soon as he neared the top.³

The American presidency is carved out of the experience of revolution against a parliamentary-monarch; the office reflected both an awe of and reverence for kingly authority as well as a distrust of power in the hands of a monarch.⁴

British political scientist Harold Laski noted in The American Presidency:

The essence of the presidency is the fact that it is an American institution, that it functions in an American environment, that it has been shaped by the forces of American history, that it must be judged by American criteria of its responses to American needs.

. . .
Whatever the intentions of the founders, the history

² Ibid.

³ Robert J. Spitzer, The Presidency and Public Power: The Four Arenas of Presidential Power (University, AL: The University Press, 1983), p. 1.

⁴ Barger, p. 4.

of the United States has molded it in ways they could not have foreseen. . . . There is no foreign institution with which . . . it can be compared. . . . The President of the United States is both more and less than a king; he is also both more or less than a Prime Minister. The more carefully his office is studied, the more does its unique character appear.⁵

Clinton Rossiter wrote that eight decisions about the structure and powers of the presidency were made during the deliberations on the executive branch. Every one of the decisions would contribute to the eventual development of a strong executive, whether that was the intention of the delegates or not.

1. The executive branch was established as a separate branch from the legislature.
2. The executive would consist of one man, a President of the United States, and not a council, or triumvirate of leaders.
3. To insure his independence from the legislature, the President would have a source of election outside the legislature.
4. The Presidency would have a fixed term of office, which could be terminated only by conviction or impeachment for "high crimes" or misdemeanors.
5. A President would be eligible for re-election to an unlimited number of terms.
6. The President would have certain powers of his own granted by the Constitution in addition to those granted at the discretion of Congress.
7. The President would not be saddled with an executive council which would have approval powers over nominations, vetoes, or other actions.
8. A clause in Article 1 prohibited any member

⁵Harold J. Laski, The American Presidency: An Interpretation (New York: Harper and Bros., 1940), p. 11.

of either house of Congress from serving in the Executive Branch. This, of course, prevented the development of a parliamentary styled relationship between Congress and the President and insured a distinct separation of powers.⁶

A description of the American presidential powers usually begins with a reverential description of how the president serves a glamorous, almost kinglike function as the chief of state. The major powers of the American president are as chief of state, chief legislator, commander-in-chief of the military forces, chief diplomat, budget chief, and national party leader.⁷

Chief of State

The only role a president plays that is exclusively his is the one role that lacks actual substantive powers: the role of chief of state. However, this largely symbolic role underlies the influence and power a president can bring to bear in exercising each of his other tangible roles. As a former speech writer and advisor to presidential candidate Richard M. Nixon wrote in a memo to the candidate:

. . . People vote more for a chief of state and this is primarily an emotional identification.
 . . . This response is to the image, not to the man, since 99 percent of the voters have no contact with the man. It's not what's there that counts, it's what is projected.⁸

⁶Clinton Rossiter, The American Presidency (New York: Harvest Books, 1960), Chapter 3.

⁷Barger, p. 11.

⁸Michael Novak, Choosing Our King (New York: Macmillan, 1974), p. 47.

The chief-of-state provides a handle to the complex world of national politics and it serves to anchor a diverse range of individuals and groups to symbols, myths, rituals, and ceremonies that enhance the political community.

Chief Executive

The role of the president has two aspects. The first is the execution of the laws made by Congress and assented to by the president as provided by the Constitution, Article II, Section 3 (saying, "He shall take care that the Laws be faithfully executed"). The second aspect is embodied in the general grant of power to the president in Article II, Section 1 ("The executive Power shall be vested in a President of the United States of America").⁹

The all-embracing term "chief executive" has become virtually synonymous in the public's mind with president. However, the enormous growth of governmental activity over the past half century and the increasing fragmentation of our society have made this the most difficult and problematic of all presidential roles.¹⁰

⁹Herman Finer, The Presidency: Crises and Re-generation (Chicago: The University of Chicago Press, 1960), p. 42.

¹⁰A Presidency for the 1980s, a Report of the National Academy of Public Administration, November 1980, p. 7.

Chief Legislator

The president has historically been associated with the legislative process because of two constitutional requirements: the president must approve or veto every bill passed by Congress, and he is instructed to recommend to Congress "such measures as he shall judge necessary and expedient." However, throughout history, since the administration of Franklin Roosevelt and particularly during the past half century, presidential initiatives have increasingly taken on the main role in legislative leadership.¹¹ A nineteenth century legislator would be astonished at the involvement of modern presidents in setting the congressional agenda, in budgeting and lobbying, and in using the veto power.¹² This immense growth of the executive branch since the 1930s has served to enhance the executive's potential for involvement in the policy-making arena.¹³

Chief Diplomat and Commander-in-Chief

The American founding politicians never intended the president to be the dominant agent in national policy-making, but they did expect the president to be the major influence in the field of foreign affairs. The first task for a national leader is the nation's survival and national defense.

¹¹Ibid., p. 8.

¹²Barger, p. 40.

¹³Ibid., p. 41.

Today, foreign policy responsibilities cannot be delegated; they are executive in character and presidential by constitutional tradition or interpretation.¹⁴ After the Bay of Pigs tragedy, President Kennedy vividly emphasized the central importance of foreign policy: "It really is true," he told a visiting Richard Nixon, "that foreign affairs is the only important issue for a President to handle. . . . I mean who gives a shit if the minimum wage is \$1.15 or \$1.25, in comparison to something like the Bay of Pigs?"¹⁵

The American president's powers in foreign and military affairs are more implied than specified in the United States Constitution. Due to the dramatic, rapid pace of world crises and events during the twentieth century, Congress has increasingly deferred to decisive executive power in national defense and international relations. The president's ability to mobilize public opinion behind the theme of national security is not always limited to wartime decisions. Almost any strong presidential move in foreign policy tends to increase public support. Nixon's dramatic trip to Peking which opened long-closed doors to China is a good example.¹⁶

¹⁴Thomas Cronin, The State of the Presidency (Boston: Little Brown and Company, 1980), p. 146.

¹⁵Ibid.

¹⁶John F. Kennedy, quoted in Richard Nixon, RN: Memoirs of Richard Nixon (New York: Grosset & Dunlap, 1978), p. 235.

Kennedy frequently said the difference between domestic and foreign policy was the difference between a bill being defeated and the country being wiped out. Both Kennedy and Nixon were personally more fascinated with foreign policy than with domestic or economic policy. Both wanted history to record that they had laid the foundation for peace not only in their own time but also for generations to come. President Carter spent more time on the Middle East issue than on any other matter during his first three years in office.¹⁷

Thus, the American president's role as chief of foreign policy has changed over time from an intermittent one to one of unrelenting importance. Although few early American presidents were considered world leaders, an American president is today automatically placed in that position with all the burdens and responsibilities it entails.¹⁸

Party Chief

In his classic book on presidential power, Professor Richard Neustadt argued that the greatest single source of power a president has is his high position in our political system.¹⁹ The presidency is viewed as the most

¹⁷ Cronin, p. 146.

¹⁸ A Presidency for the 1980s, p. 8.

¹⁹ Richard E. Neustadt, Presidential Power: The Politics of Leadership from FDR to Carter (New York: John Wiley & Sons, Inc., 1964), p. vii.

powerful elective office in the world and people look upon the president as the symbolic personification of the nation. At home and abroad, the president is expected to speak for the United States and to provide leadership that solves the problems that it faces.²⁰

The role of the president as a party leader is a clear example of a presidential function that lacks a base in constitutional language. The framers hoped they had designed a system that could function without generating the "factions" they so disliked. Nevertheless, parties quickly became indispensable vehicles for nominating and electing candidates, for coalescing sentiments and needs into ideas and programs of action, and for providing representation and promoting compromise. Although of late the power of political parties has been weakening, it is not clear whether more or less of a burden is thus imposed on modern presidents. Suffice it to say that a president must continue to devote time to party affairs, and must also now find ways to compensate for the reduced sphere of party influence.²¹

Thus, the American presidency is an office of many demanding roles and contradictory demands. It is a highly political office--an office with immense potential for affection, esteem, and respect.

²⁰Edward N. Kearney, Dimensions of the Modern Presidency (St. Louis: Forum Press, 1981), p. 3.

²¹A Presidency for the 1980s, p. 8.

The Philippine President

The Philippine political system from 1946 to 1972 featured a presidential type of government. At the head of the executive branch was a popularly elected president holding office for four years with a right to one re-election. The Constitution of 1935 required that, for a person to be elected to the presidency, he must be a natural-born citizen, a qualified voter, forty years of age or over, and a resident of the Philippines for at least ten years immediately preceding the election. Like most other Philippine institutions, the Philippine presidency is the product of Malayan, Spanish, American, and other influences which have contributed to the culture of the Filipino people. In designing the office, the constitutional convention depended upon American and other alien precedents, but adapted these borrowed ideas to the needs of their own country in light of their native political experience and predilections. It is unrealistic, therefore, to measure the Philippine presidency by the same yardstick which is used to evaluate the office of the chief executive of the United States or any other nation.²²

American and Philippine presidential powers nonetheless share some similarities, despite the fact that the

²²Joseph Ralston Hayden, The Philippines: A Study in National Development (New York: Macmillan Company, 1942), p. 60.

Philippine presidency is the product of varied influences which contributed to the framing of the Philippine constitution.

The development of the institution of Philippine "national leadership" occurred while the American Governor-General was the chief executive of the Philippine government during the American occupation. "On August 21, 1898, an American military governor took over control of the Philippines, deriving his powers from the war powers of the United States president."²³

The Philippine constitution was drafted under the provisions of the Tydings-McDuffie Act signed by President Franklin D. Roosevelt in March 1934. An ordinance was attached providing for a minimum of American supervision and the protection of American interests for a ten-year period. In 1946, the ordinance was dropped and the document became the Constitution of the Philippines.²⁴ Hence, as a result, the Philippine president possesses virtually all of the powers vested in his predecessor, the governor-general, and his American prototype in Washington and in American state capitals.²⁵ If the president of the Philippines was more

²³Jean Grossholtz, Politics in the Philippines: A Country Study (Boston: Little Brown and Company, 1946), p. 108.

²⁴Ibid., p. 109.

²⁵Hayden, p. 61.

powerful than the president of the United States, it was due to the influence and strong leadership of President Quezon at the time the constitution was drafted. Thus, as Senator Claro M. Recto, president of the 1936 Philippine constitutional convention, said:

During the debate on the Executive power it was the almost unanimous opinion that we had invested the Executive with rather extra-ordinary prerogatives. There is much truth in this assertion. Learning our lesson from the truth of history, and determined to spare our people from the evils of dictatorship and anarchy, we have thought it prudent to establish an executive power which, subject to the fiscalization of the Assembly, and of public opinion, will not only know how to govern, but actually govern, with a firm and steady hand, unembarrassed by vexations and interferences by other departments. Thus possessed with the necessary gifts of honesty and competence, this Executive will be able to give his people an orderly and progressive government, without need of usurping or abdicating powers, and cunning subterfuge will not avail to extenuate his failures before the bar of public opinion.²⁶

Like the president of the United States, and unlike American state executives, the president of the Philippines does not share his power with other elective executive officials. The constitution provides that "the executive power shall be vested in a President of the Philippines." Like the American president, too, the Philippine chief executive possesses the political strength which comes from

²⁶Speech of the Honorable Claro M. Recto, President of the Constitutional Convention, delivered in the Hall of the House of Representatives on the night of February 8, 1935, upon the occasion of the closing session of the Convention.

election by direct vote of all the people.

Moreover, the framers of the Philippine constitution were also products of an American system of education and naturally believed that democracy could be defined only within the context of American political ideas and concepts of government. The constitution, in the words of Recto, was an "imitation of the American charter."²⁷

Hence, it is from the previous historical roots of the Philippine presidency and legal influences of American rule in the Philippines that this study attempts a comparative study of some of the powers given to the two presidents.

A Comparison of Major American and Philippine Presidential Powers

In making a comparison of American and Philippine presidential powers, this work will concentrate on the legitimacy of their powers through their constitutional provisions. Of course, as stated earlier, it is unrealistic to measure the Philippine presidential powers by the same yardstick which is used to evaluate the office of the chief executive of the United States or any other nation, since some presidential powers can only be understood in relation to the historical forces which brought the office into being and the needs which they serve in their respective countries.

²⁷ Teodoro Agoncillo and Milagros Guerrero, History of the Filipino People (Quezon City: Garcia Publishing Co., 1977), p. 397.

Suspension of the Writ of Habeas Corpus

In the United States, habeas corpus may be suspended by the president only with the consent of Congress. As stated in Article 1, section 9 of the United States Constitution, the privilege of the writ of habeas corpus shall not be suspended except when, in cases of rebellion or invasion, the public safety may require it.

The general rule in the United States is that civil rights remain intact and the ordinary laws continue to operate in wartime, although actual or alleged military necessity is almost certain to dictate restrictions that would never be thought of or tolerated in times of peace. When the ordinary processes of justice prove inadequate, martial law may be proclaimed by Congress.²⁸

During the Civil War, President Lincoln took the position that the right of suspension belongs to the chief executive and, on a number of occasions, exercised it by his own authority. Congress, however, claimed the power for itself, and not only exercised it, but backed its position by passing acts of indemnity in effect invalidating the presidential suspensions. Because the power to suspend is included in an article of the U.S. Constitution relating especially to congressional powers, it is now deduced that

²⁸Edward S. Corwin, The President: Office and Powers (1789-1957) (New York: University Press, 1957), p. 176.

the view of Congress on the matter is the correct one.²⁹

In the Philippines, under the constitution in force from 1946 to 1972, the president has the power to suspend the privilege of the writ of habeas corpus. But there are two conditions which must exist before the president may validly exercise this power. There must be invasion, insurrection, or rebellion or the imminent danger of the likelihood of these emergencies and the public safety must require its exercise. But the question is who determines whether these conditions exist if the suspension of the writ is not justified? In the Philippines, between 1946 and 1972, the question was whether these conditions were present and belonged exclusively to the president whose decision is "conclusive upon all." The courts could not even inquire into or question its correctness or wisdom. When the president of the Philippines issued Proclamation 889 on August 21, 1971, suspending the privilege of the writ of habeas corpus, the said proclamation was challenged on the grounds that there was no sufficient basis for its issuance. The Solicitor General contended that the issue of questioning the validity of the writ of habeas corpus issued by President Marcos was not within the power of the courts as the matter involved a political question.³⁰

²⁹Ibid., p. 189.

³⁰Gerardo S. Espina, Philippine Government (Quezon City: Panamao Publishing House, 1981), p. 77.

Although this holding involved the suspension of the privilege of the writ of habeas corpus, it applies with equal force to the declaration of martial law since, under the constitution, both may be suspended and declared on the same conditions--invasion, insurrection, or rebellion or the imminent threat of such conditions when the public safety requires.³¹

The Exercise of Powers

Generally speaking, the old constitution of the Philippines vested in the president the following powers: administrative and executive, appointive, military, pardoning, and diplomatic. In addition, once a Filipino assumes the presidency, he not only becomes the acknowledged national leader but he also automatically plays the role of political chief. Then his power and influence over national affairs become almost absolute.³²

Administrative and Executive Power

The president of the Philippines is in himself the personification of the whole administrative branch of government.³³ The constitution is specific in this regard:

³¹ Ibid.

³² Jose Veloso Abueva and Raul P. de Guzman, Foundations and Dynamics of Filipino Government and Politics (Manila: Bookmark, Inc., 1969), p. 322.

³³ "The Presidency," Sunday Times Magazine 17 (November 5, 1984), p. 3.

The President shall have control of all the executive departments, bureaus or offices, exercise general supervision over all local government as may be provided by law, and take care that the laws be faithfully executed.³⁴

The president, then, is held responsible for all departments, bureaus, government, corporations, and agencies and the general supervision and control of local government--not to mention the powerful military and police forces of the government. All departments, bureaus, and offices under the supervision of the president are considered extensions of his personality. As chief administrator of the government machinery, the president sets the pattern and decides the norm of conduct that must pervade in the government service.³⁵

The constitution also states that "executive power shall be vested on a President." On this basis, the president is solely responsible for the faithful execution of the laws of the land. He has the military and police forces and the entire machinery of the department of justice under his power.

Appointive Power

The constitution provides the president with vast appointive powers:

The President shall nominate and with the consent of the Commission on Appointments, appoints the head of

³⁴ Constitution of the Philippines (1935) (Manila: Bureau of Printing, 1952), Article VII, Section 10.

³⁵ Abueva and de Guzman, p. 322.

the executive departments and bureaus, officers of the army with the rank of captain or commander and all other officers of the government whose appointments are not herein otherwise provided: but the Congress may by law vest the appointment of inferior officers in the President alone, in the courts, or in the heads of the executive departments and bureaus, officers of the army with the rank of captain or commander, and all other officers of the government whose appointments are not herein otherwise provided, but the Congress may by law vest the appointment of inferior officers in the President alone, in the courts or in the heads of departments.³⁶

The president is also authorized by the constitution to appoint, with the consent of the Commission on Appointments, the members of the Supreme Court and all judges of inferior courts, a chairman and two other members of the Commission on Elections, the Auditor General, and Ambassadors, Ministers, and Consuls. Thus, the president's appointive power is second only to his administrative and executive power. As a president, he may not perform the actual signing of an appointment, but he certainly has a say on the matter.³⁷

Pardoning Power

The constitution provides:

The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitation as he may deem proper to impose. He shall have the power to grant amnesty

³⁶Constitution of the Philippines (1935), Section VII, Article 3.

³⁷Abueva and de Guzman, p. 322.

with the concurrence of Congress.³⁸

In the history of the exercise of these presidential powers since 1946, the presidential power to grant amnesty has been exercised in these four cases. The first grant of amnesty was made in favor of individuals who had collaborated with the Japanese. The second was by President Roxas to those indicted and standing trial for allegedly giving aid and comfort to enemy forces during World War II. In 1948, President Quirino made a conditional amnesty grant and another was given by him to those who participated in the abortive Batangas revolt.

Military Power

The president's military power as defined in the 1935 Philippine Constitution states:

The President shall be commander-in-chief of all armed forces of the Philippines, and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof, under martial law.³⁹

As commander-in-chief of the armed forces the president exercises supervision over the military through his Secretary of National Defense. But as clearly stated by

³⁸Constitution of the Philippines (1935), Section VII, Article 6.

³⁹Ibid., Section VII, Article 3.

the constitution, the president is the only one who can order troops to prevent or suppress lawless violence, invasion, insurrection, or rebellion. This power of the chief executive extends even beyond wartime. So far, President Marcos has been the only president who has exercised the power to place the Philippines under martial law which he declared in 1972 (this event will be discussed in detail in a later section of this dissertation).

Diplomatic Power

The conduct of Philippine foreign affairs is the sole responsibility of the president. He has the power, with the concurrence of the Senate, to make treaties. He appoints ambassadors, ministers, and consuls with the consent of the Commission on Appointments. Usually the president seeks the advice of his political party on the foreign policies that his administration pursues. However, actual implementation of these policies is his responsibility. This has been clear since 1946. Although there have been attempts to wrest the leadership in Philippine foreign affairs from the president, he still remains the nation's foreign policy spokesman. Instances of disagreement over foreign affairs occurred during the time of President Quirino when his leadership was challenged by prominent members of the Senate. Nevertheless, it was Aquino who "forged not only the tools for the conduct of Philippine foreign policy," but also

much of its substance. President Magsaysay also faced opposition from his fellow Nationalistas over the conduct of foreign affairs. The running battle on foreign affairs between Magsaysay and Senator Recto was the most dramatic of these foreign policy encounters.⁴⁰

The President as Legislator and Budget Officer

Although the power to legislate is vested by the constitution in Congress, the president is actually the chief legislator. The constitution requires that "the President shall from time to time give to Congress information on the state of the nation, and recommend to its consideration such measures as he shall judge necessary and expedient." The president recommends legislation every year as outlined in his state-of-the-nation message to Congress. Thus, with his power to recommend measures for legislation and to certify the urgency of bills, the president could indeed be regarded as the chief legislator.

The constitution also requires the president to approve or veto the bills enacted by Congress. Hence, one sees that the scope of the president's budgetary and fiscal powers is perhaps broader than that of any other executive in a presidential system. The president of the Philippines prepares and submits the budget to Congress for approval.

⁴⁰"The Presidency," p. 3.

Although Congress can reduce some items in the budget, it cannot increase any of them. On the other hand, the president can veto any item or items in the budget after Congress has passed it.⁴¹

⁴¹Ibid.

CHAPTER VI

PRESIDENTIAL TERM OF OFFICE

This chapter compares American and Philippine presidential tenure of office. The bases of comparison will be the presidential term under the U.S. Constitution and the Twenty-Second Amendment of it, the presidential term under the 1946 Philippine Constitution, and the presidential term under the 1971 constitution.

American Law and Practice

The framers of the United States Constitution gave serious consideration to limiting each president's tenure to one or at most two consecutive terms. In the end, they decided to make him eligible for re-election to any number of terms. Hamilton laid out all the rational arguments for indefinite re-eligibility in the Federalist Papers, but one suspects that the real reason for the absence of any restriction in the constitution was the strong hope that George Washington would be willing to serve as first president and the even stronger expectation that the people would want to keep him in command until the day he died.¹

¹Clinton Rossiter, The American Presidency (New York: Harcourt, Brace & World, Inc., 1959), p. 229.

If Washington was only indirectly responsible for the absence of all restrictions on re-eligibility in the constitution, he was directly responsible for initiating the wholesome custom that made it possible for the American people to live calmly for more than 150 years with this "open door to dictatorship" and to shrug off all attempts (and there have been hundreds) to close it with the aid of a constitutional amendment.²

For the two-term tradition, three other Virginia presidents of the early years set compelling if not compulsive precedent for the political system. More than one man in the long line of two-term presidents between Washington and Franklin D. Roosevelt was tempted by his vanity, his ambition, or his circle of friends, or by all three, to ask for a third helping of glory. More than one kept his hand firmly on the great lever of political power by refusing to back off from the possibility of a third term until the last possible moment. But there was never much doubt in the popular mind that the notion of two terms was an almost sacred tradition that could never be suspended except in the unusual circumstances of 1940, the most unusual of which was the emergence of the first president in history who was ready to brave the storms of a violated tradition and seek a third term in office. Franklin D. Roosevelt got

²Ibid., p. 230.

his third term and at least a part of a fourth term, too, and the United States got the Twenty-Second Amendment.³

The Twenty-Second Amendment of the
United States Constitution

The Twenty-Second Amendment states:

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.⁴

Thus, the Twenty-Second Amendment limits a president to two terms in office or one term in the case of a vice-president who becomes president and serves for more than two years of his predecessor's term. Johnson was elected in 1964 and could have been a candidate in 1968 had he chosen to run. Ford would have been limited to one full term because he served more than two years of Nixon's second term.⁵

The amendment was a reaction to Roosevelt's election to four consecutive terms (1933-1945), and it became effective during the presidency of Dwight Eisenhower. Ironically, the amendment which was strongly backed by Republicans reacting to twenty years of Democratic chief

³ Ibid.

⁴ The Constitution of the United States of America, Article VII.

⁵ Robert S. Getz and Frank B. Feigert, The Politics and Process of American Government (Boston: Allyn and Bacon, 1982), p. 424.

executives had its initial impact on a Republic incumbent who urged its repeal.⁶

Support for the Twenty-Second Amendment was stated eloquently in both the House and Senate in 1947. Senator Rivercomb of West Virginia went to the "real heart" of the matter by insisting, in effect, that the longer any one man held on to the presidency, the closer this country drew to "autocracy"--to "destruction of the real freedom of the People." A clever and ambitious president, Senator Wiley agreed, was in an ideal position to increase and perpetuate his authority by dispensing the many favors in his possession to men to do his bidding, whether in the administration, the armed forces, the judiciary, or even in Congress, by buying the extra votes necessary to secure his repeated re-election and by posing at all times as "the indispensable man" whom the people should support and Congress never thwart.⁷

David Lawrence has recently echoed the key argument of these men by describing the proposal to repeal the Twenty-Second Amendment as the "dictatorship amendment." If a "dictatorship" were ever to arise in America, he writes, it would probably "come out of the tremendous powers derived by a President from the right to continuous office."

This fear of presidential dictatorship was and still

⁶Rossiter, p. 229.

⁷Ibid.

remains the surface logic for the Twenty-Second Amendment. Proponents of the Twenty-Second Amendment believe that the possible unwanted side effects are outweighed by preventing any one individual from controlling the powers of the office for an excessively long period and dangerously personalizing the presidency. And a new president means a new staff of advisers and infusion of some new ideas into the decision-making process.

The Twenty-Second Amendment has been conceived as an instrument for enforcing a rule of rotation with respect to the holding of the official powers of the office. But it may be suggested that the amendment was understood by its more perceptive advocates as significant primarily as an instrument for regulating party government. Rather than tinker with the constitutional arrangement relating to the official powers and duties of his office (on the terms of which probably no agreement could have been achieved in Congress) this indirect bi-partisan approach to the desired end--a freeing of the party from one-man rule--was adapted.⁸

The case against the amendment was stated by men like Representatives Sabah and Kefauver and Senators Kilgore, Pepper, and Lucas. Although they fought a losing cause, their appeal to history was forceful, and their cause has slowly attracted new converts over the intervening

⁸Ibid.

years. President Eisenhower several times described the flat ban on a third term as "wholly wise," although he reversed himself obliquely in 1959 by permitting Attorney General Rogers to advise Congress to "defer any legislative action in regard to the amendment to permit further experience thereunder"--in other words, to wait and see how it worked over an extended period of time.⁹

The Philippine Presidential Tenure of Office
Under the 1946 Philippine Constitution

The Philippine presidential tenure of office under the 1946 Philippine Constitution is described in Article VII, Section 5:

No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the services of the incumbent for the full term for which he was elected.¹⁰

When martial law was declared, the constitutional convention, which had been meeting since the first week of June 1971, in order to frame a new constitution to replace that of 1946, met at the Manila Hotel to draw up a revised constitution. This group included some of the best talents in the Philippines. The delegates had been chosen by the

⁹Norman C. Thomas, The Presidency in Contemporary Context (New York: Dodd, Mead & Company, 1975), p. 41.

¹⁰Old Constitution of the Philippines (Manila: Bureau of Printing, 1952), p. 20.

voters of the representative districts who had great expectations for them to come up with a new document of government that would answer their crying needs for reform.

What form of government to adopt that would best serve the interests of the Filipinos and give meaning and substance to their customs, traditions, and aspirations was a primary issue. Should they retain the presidential system with modifications or opt for other reforms such as an untried parliamentary form? During the early stages of the convention proceedings, the consensus was still for the retention of the presidential system. Its advocates recognized the weakness of the system under the old constitution, but they argued in its favor not only because of long history and experience but also because they felt its weaknesses could be cured by reverting to the old six-year term without re-election.¹¹

On the other hand, a minority group advocated an entirely new form. This group, which grew in numbers during the remaining days of the convention, had urged the implementation of the parliamentary system.

They felt that lack of exposure and experience to the new system was not a valid argument against its experiment in the Philippines. Rather, they believed that its merit will argue for the success in the Philippines. Deriding the lack of responsibility of the presidential system, they argued that the parliamentary system was well suited for a developing country like the

¹¹Gerardo S. Espina, Philippine Government (Quezon City: Panamao Publishing House, 1981), p. 24.

Philippines which was in constant search for the programs and policies suited to the needs of the people. That the unity of political authority that is a character of a parliamentary system was what was needed to provide direction to the country.¹²

In the final count, the parliamentarians won. A majority of the delegates approved the draft that installed the parliamentary system on November 29, 1972, although the document was actually signed the following day.

Critics claim that martial law had something to do with the change. They claimed that President Marcos had long planned the declaration of martial law and that the parliamentary system is best suited to a developing country like the Philippines which was in constant search of a program and policies suited to the needs of its people. Critics also claimed that the parliamentary system was best suited to the furtherance of Marcos' justification of reforms in the government as well as in society. But according to the parliamentarian group, the unity of political authority that is a characteristic of a parliamentary system was what was needed to provide direction to the country. The new constitution took effect on January 17, 1973, now celebrated in the Philippines as Constitution Day.¹³

¹²Ibid.

¹³Ibid.

1976 Amendments to the 1973 Constitution

The amendments to the 1973 constitution are included below.

(1) There shall be in lieu of the interim National Assembly, an interim Batasang Pambansa. Members of the interim Batasang Pambansa, which shall not be more than 120, unless otherwise provided by law, shall include the incumbent President of the Philippines, representatives elected from the different regions of the nation, those who shall not be less than eighteen years of age elected by their respective sectors, and those chosen by the incumbent President from the members of the Cabinet. Regional representatives shall be apportioned among the regions in accordance with the number of their respective inhabitants' progressive ratio while the sectors shall be determined by law. The number of representatives from each region or sector and the manner of their election shall be prescribed and regulated by law.¹⁴

(2) The interim Batasang Pambansa shall have the same powers and its members shall have the same functions, responsibilities, rights, privileges, and disqualifications as the interim National Assembly and the regular National Assembly and the members thereof. (As amended in 1981.)¹⁵

(3) The incumbent President of the Philippines shall, within 30 days from the election and selection of the members, convene the interim Batasang Pambansa and preside over its session until the Speaker shall have been elected. The incumbent President of the Philippines shall be the Prime Minister and he shall continue to exercise all his powers even after the interim Batasang Pambansa and preside over its session until the Speaker shall have been elected. The incumbent President of the Philippines shall be the Prime Minister and he shall continue to exercise all his powers even after the interim Batasang Pambansa is organized and ready to discharge its functions and likewise he shall continue to exercise his

¹⁴Primo L. Tongko, The Philippine Government Under the Fourth Republic (Quezon City: R. P. Publishing Co., Inc., 1981), Appendix.

¹⁵Ibid.

powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution.¹⁶

(4) The President (Prime Minister) and his Cabinet shall exercise all the powers and functions, and discharge the responsibilities of the regular President (Prime Minister) and his Cabinet, and shall be subject only to such disqualification as the President (Prime Minister) may prescribe. The President (Prime Minister) if he so desires may appoint a Deputy Prime Minister or as many Deputy Ministers as he may deem necessary.¹⁷

(5) The incumbent President shall continue to exercise legislative powers until martial law shall have lifted.¹⁸

(6) Whenever in the judgment of the President (Prime Minister) there exists a grave emergency or a threat or imminence thereof, or whenever the interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may in order to meet the exigency, issue the necessary decrees, orders or letters of instructions, which shall form part of the law of the land.¹⁹

(7) The barangays and sangunians shall continue as presently constituted but their functions, powers and composition may be altered by law. Referenda conducted through the barangays and under the supervision of the Commission on Elections may be called at any time the government deems it necessary to ascertain the will of the people regarding any important matter whether of national or local interest.²⁰

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

According to the 1976 amendments, they would take effect after the incumbent president proclaimed that they had been ratified by a majority of the votes cast in the referendum-plebiscite. The power of the president to propose these amendments to the New Constitution was questioned before the Supreme Court in the case of Sanidad et al. vs. Comelec (1-44714) (October 12, 1976) and the Supreme Court, speaking through Mr. Justice Ruperto Martin, upheld presidential power to amend the constitution in a state of martial law. Two justices, Claudio Teehankee and Cecilia Munoz-Palma, dissented.²¹

The 1981 Amendments to the Constitution: The Constitutional Position of the President

On April 7, 1981, the Filipinos ratified several amendments which, in effect, modified the Philippine political system. The British model which was installed by the 1973 Constitution was replaced by a modified form of the parliamentary system which is very similar to the system now in France.

Under the modified parliamentary form of government established by the 1981 amendments to the constitution, the president is directly elected by the people for a fixed term of six years (Article VII, Section 3 of the New Constitution).

The President holds office for a period of 6 years beginning at noon on the 30th day of June

²¹ Ibid.

following the day of the election. The six-year term shall end at noon of the same day of June when term of his successor shall begin.²²

The constitution does not limit the number of times that a president may seek re-election. Thus, a president may run for as many terms as he may wish to, the only brake being his voluntary withdrawal, death, or incapacity.²³ Moreover, the president now possesses vast powers as chief executive of the Republic, but is not accountable to Parliament and can be removed only by impeachment.

When President Ferdinand E. Marcos took his oath as president on June 30, 1981, he became the first president to hold office under the 1973 constitution as amended in a plebiscite on April 7, 1981. The new constitution installed a modified parliamentary system and also proclaimed the fourth republic. The first republic was established on January 23, 1899, under the Malolos Constitution; the second on October 14, 1943, under the Japanese-sponsored constitution; and the third on July 4, 1946, under the 1935 constitution.²⁴ Therefore, the preceding comparative study of the presidential tenure of the Philippine and United States presidents yields the following conclusion:

²²New Constitution of the Philippines.

²³Espina, p. 75.

²⁴Tongko, Appendix.

the present authoritarian form of government in the Philippines is not due to the amendment of the Philippine constitution which allowed unlimited presidential terms, but because the president has subverted the machinery of the Philippine government into its present form of government. As shown in his second term as president of the Philippines, President Ferdinand E. Marcos, availing himself of Article VII, Section 10, paragraph 2 of the constitution, issued Proclamation 1081 on September 21, 1972, which placed the entire country under martial law. In accordance with this proclamation, the president today rules by decrees, general orders, and letters of instruction (see Appendix). The declaration of martial law was also an attempt to prolong his stay in power, putting an end to the democratic experiment that began seven decades earlier at the turn of the century.

CHAPTER V

PRESIDENTIAL EMERGENCY POWERS

The American Provision

Related to the American president's claim of executive privilege is his emergency conduct of executive functions under conditions of crisis, mainly in time of war. Article II, Section 2 of the United States Constitution states:

. . . the President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States, he may require the opinion, in writing if so.¹

Constitutionally, the Congress of the United States is empowered to declare war. It has done this five times-- the War of 1812, the war between the United States and Mexico; the Spanish-American War; and the two world wars-- each time at the behest of a president whose conduct of foreign policy had already virtually committed the nation to war. Only once in the history of the United States has Congress actually debated whether or not to declare war. In 1812, on the declaration of war reluctantly requested by President Madison, the vote was divided with 19 to 13 in

¹Edward Dumbauld, The Constitution of the United States (Norman: University of Oklahoma Press, 1964), p. 279.

favor in the Senate and 79 to 49 in the House. This split decision prompted the Federalists at the Hartford Convention to demand that not even Congress be permitted to authorize hostilities against a foreign nation unless two-thirds of both houses concurred.²

On the other hand, American presidents have on numerous occasions claimed and exercised a constitutional right to dispatch armed forces not only to protect American lives and property but also to pursue broad strategic policies in the conduct of foreign relations. Until the second half of the twentieth century, however, these were minor operations, confined mainly to the Western hemisphere, with quite specific and limited objectives: to protect American lives and property during local political disturbances, to protect American consulates or embassies or to evacuate American citizens in cases of civil disorder, to punish attacks made on American seamen or ships, and to open ports for American commerce. In such instances, solo presidential intervention was justified either because the threat was too trivial to require consultation with Congress or there was danger to American lives,³ except in a few cases such as Youngstown Co. vs. Sawyer.⁴

²Ibid.

³Stewart Alsop, Newsweek, November 8, 1971, p. 57.

⁴Robert E. DiClerico, The American Presidency (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1983), p. 271.

This case involved averting a nation-wide strike of steelworkers in April 1952, which the president believed would jeopardize national defense. The president issued an executive order directing the Secretary of Commerce to seize and operate most of the steelmills. The order was not based upon any specific statutory authority but was based generally upon all powers vested in the President of the United States and Commander-in-Chief of the Armed Forces. The secretary issued an order seizing the steelmills and directing their presidents to operate them as operating managers for the United States in accordance with his regulations and directions. The steel companies sued the secretary in a federal district court, praying for a declaratory judgment and injunctive relief.⁵ After some lower court litigation, a suit reached the Supreme Court which held that the president's act was unconstitutional.⁶

No American president from George Washington to Franklin D. Roosevelt had any inflated notion that he could or should dispatch American military forces on his authority to help fight other people's wars, to win independence, resist aggression, overthrow dictatorships, or contain any ideology. Even Franklin Roosevelt, who used his foreign

⁵Malcolm J. Smith and Cornelius B. Cotter, Powers of the President During Crises (New York: DaCapa Press, 1972), p. 134.

⁶John P. Roche and Leonard W. Levy, The Presidency (New York: Harcourt, Brace and World, 1964), p. 76.

policy powers to turn the United States into an arsenal for democracy, recognized his constitutional limitations as commander-in-chief.⁷

In June 1940, when the Nazi blitzkrieg hit France and Premier Reynaud desperately called for American aid, President Roosevelt replied that the United States would continue to fight, but he also said, "I know that you will understand that these statements carry with them no implication of military commitments. Only the Congress can make such commitments."⁸

In 1950, at the outbreak of hostilities in Korea, President Truman contemplated a request to Congress for enabling legislation to sanction American intervention and, on advice of his principal foreign policy officers, he decided to use his constitutional authority as commander-in-chief.⁹ But in the case of President Eisenhower, for six of his eight years in the White House, he had to contend with a Congress controlled by the opposition party. His administration had no alternative but to court congressional cooperation. Mindful of his predecessor's contretemps with Congress

⁷ Charles W. Dunn, The Future of the American Presidency (Morristown, NJ: General Learning Press, 1975), p. 135.

⁸ Ibid., p. 137.

⁹ Charles E. Neustadt, Presidential Power: The Politics of Leadership from FDR to Carter (New York: John Wiley and Sons, Inc., 1980), p. 41.

over the Korean War, President Eisenhower sought advance congressional approval for whatever use of force he might deem necessary to implement United States foreign policy. From the president's standpoint, however, neither the Formosa Resolution of 1954 nor the Mid-East Resolution in 1957 implied that he could have acted on his constitutional authority as commander-in-chief. As President Eisenhower viewed it: "A suitable congressional resolution was simply a signal of unified and serious intention on the part of the whole American government, the President, the Congress, and the people."¹⁰

The circumstances in which Lyndon Johnson sought a suitable congressional resolution were somewhat different. As commander-in-chief, President Johnson asked Congress to support the presidential determination to prevent aggression.¹¹

Thus, the preceding examples show a president's claim to executive privilege of emergency conduct of executive functions under conditions of crisis, mainly in time of war. The history of the presidential exercise of those so-called "emergency powers" is complicated and it long predates the Nixon Administration. However, Congress took the opportunity of the Watergate reaction to reconsider the country's past permissiveness toward presidential assumption of emergency

¹⁰Dunn, p. 137.

¹¹"Congress and the Nation, 1945-46," Congressional Quarterly, 1965, p. 138.

powers. In June 1972, the Senate established a Special Committee on the National Emergency. At the same time Senator Charles Mathias, Jr., of Maryland, Co-chairman of the Special Committee with Senator Frank Church of Idaho, announced:

These powers infringe on so many constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. . . . Perhaps most importantly, these measures threaten the constitutional balance of power between the executive and legislative branches.¹²

The Special Committee then undertook a detailed survey of all extant emergency provisions and discovered that the country was still living under four different "states of national emergency," two proclaimed before and two during the Nixon Administration. In 1973, the committee catalogued a total of 470 laws delegating emergency powers to the president, not to speak of a myriad of executive and administrative orders issued under these emergency laws.¹³

Thereafter, the committee was retitled Special Committee on National Emergencies and Delegated Emergency Powers, a recognition that crises are expected in the future and will thus require the presidential exercise of some

¹²Albert Lepawsky, The Prospect for Presidential-Congressional Government (Berkeley: Institute of Governmental Studies, 1977), p. 76.

¹³U.S. Congress, Senate, Committee on Foreign Relations, A Study Relating to Termination of the National Emergency, November 15, 1973, p. 1.

degree of emergency authority, under strictly defined congressional standards and safeguards. Finally, in September 1976, Congress passed and the president signed the National Emergencies Act, terminating in two years all emergency powers and authorities of the president then in effect. In addition, it regularized future presidential declarations of national emergencies.¹⁴

The Philippine Provision

In the Philippines, the president has been armed with even greater presidential emergency authority than that vested in the President of the United States. As stated in Article VII, Section 10(2) of the Old Philippine Constitution:

The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of habeas corpus, or place the Philippines or any part thereof under martial law.¹⁵

In times of war or national emergency, the president of the Philippines may also exercise the legislative power of Congress, a power not vested in the president of the

¹⁴Ted Vaden, "Final Action: National Emergencies," Congressional Quarterly Weekly Report 34 (September 4, 1976): 2427-8.

¹⁵Vital Legal Documents in the New Society (Manila: Central Book Supply, n.d.), pp. 1-7.

United States. It was in accordance with this provision of the Philippine Constitution that President Marcos justified his proclamation of martial law on September 21, 1972:

As of the 21st of September, I signed Proclamation No. 1081 placing the entire Philippines under martial law. This proclamation was to be implemented upon my clearance, and clearance was granted at 9:00 in the evening of the 22nd of September, 1972. I have proclaimed martial law in accordance with powers vested in the President by the Constitution of the Philippines.¹⁶

Comparison

Since the United States is a federal system of government, it is characterized by a constitutional distribution of powers between the central government and a number of constituent units organized on a geographical basis. Both are entrusted with substantive duties and both receive their essential powers from the constitution.¹⁷ According to William Riker, there are three rules for identification of a federal system. First, there must be two levels of government ruling the same land and people. Second, each level of government has at least one area of action in which it is autonomous. And third, there is some guarantee of the autonomy of each government in its own sphere.¹⁸

¹⁶ Ibid.

¹⁷ George S. Blair, American Legislature: Structure and Process (New York: Harper & Row Publishers, 1967), p. 5.

¹⁸ William H. Riker, Federalism, Origin, Operation, Significance (Boston: Little, Brown, 1964), p. 11.

In the United States, in an attempt to determine the proper division of authority between the national and state governments, several classes of powers were established. Section 8 of Article I of the United States Constitution lists the basic powers of the national government. An exclusive power belongs only to one level of government which alone has power to exercise it. Concurrent power is a grant shared by both levels of government. The power to tax and the power to define and punish criminal activities are two examples of such powers. Reserved powers are those powers which are not specifically named but which are denied to another governmental level.¹⁹

There are but few explicit references to the United States federal system in state constitutions. The Nevada constitution, however, contains a section which is an exception. It states:

The paramount allegiance of every citizen is due to the federal government, in the exercise of all its constitutional powers, as the same have been, or may be, defined by the Supreme Court of the United States.²⁰

In the Philippines, where there is a unitary system, the president has received from the constitution unusual prerogatives which are of great significance. The president may exercise general supervision over all local governments as may be provided by law and he has control also

¹⁹Blair, p. 64.

²⁰Ibid., p. 6.

over the executive departments and bureaus of offices.²¹ The Philippine chief executive has been given explicit power--a degree of power which Filipino leaders were consistently denied but which was vested in the American Governor-General by the Jones Law. The inclusion of this explicit grant of power was probably unnecessary, as the Philippine constitution follows that of the United States in providing that the executive power shall be vested in the president. However, it seems that the reason that the provision was added was to give protection to the chief executive should the legislature ever seek to create executive instrumentalities partially under its control or to establish a body such as the Council of State or the Board of Control, which were set up during the Harrison regime in order to transfer executive power from the Governor-General to legislative leaders.²²

Therefore, this paper concludes that there are powers of the president of the Philippines which are not possessed by the president of the United States. First, while the president of the United States may suspend the writ of habeas corpus only with the consent of Congress, the president of the Philippines has the power to suspend it without

²¹Joseph Ralston Hayden, The Philippines, A Study in National Development (New York: Macmillan Company, 1942), p. 64.

²²Ibid.

the participation of Congress.

Second, while the president of the United States has no authority over political subdivisions--the states--which are semi-sovereign, the Philippine president exercises control over provinces and municipalities and their officials.

Third, in times of war or national emergency, the president of the Philippines may exercise the legislative power of Congress, a power not vested in the president of the United States.²³

Thus, this chapter has concluded that the president of the Philippines, under the old constitution, was too powerful, more powerful internally than the president of the United States. The Philippine president received from the Philippine constitution an unusual prerogative of great significance, because the Philippine constitutional convention which drafted the old constitution believed that a powerful president might save the Philippines from slipping into chaos. A majority of the members of the constitutional convention believed that a strong executive is a requirement in the industrializing process of a developing country like the Philippines.

Finally, this chapter presented not only a comparative study of two presidential powers, but has also negated

²³Diosdado Macapagal, A New Constitution for the Philippines (Quezon City: Mac Publishing House, 1970), p. 13.

the theory of the framers of the Philippine constitution that a strong executive will bring stability to the country. Instead, it has led to the rise of an authoritarian government in the Philippines under the martial law proclaimed by President Ferdinand E. Marcos.

CHAPTER VI

PROCLAMATION 1081: MARTIAL LAW IN THE PHILIPPINES

Background

The late 1960s and the beginning of the 1970s in the Philippines saw the development of what has been termed student power.¹ Student rebellion brought a mood of discontent and disenchantment--a rebellion that escalated into an assault on the established order.² Demonstrations that involved rock-throwing and bombings became an almost daily occurrence. Thousands of dissidents massed at every provocation--a not unlikely feat in a country where 70 percent of the population is under twenty-seven years of age. Some were spurred by political ideology, some by a rigid nationalism that opposed any foreign aid or investment, some merely joined the march for the day's wages or the free lunch provided by the affluent opposition to the administration. Targets of mass attack were not only government buildings, but also foreign embassies. One of the most appalling of

¹Teodoro Agoncillo and Milagros Guerrero, History of the Filipino People (Quezon City: Garcia Publishing Co., 1977), p. 642.

²Beth Day, The Philippines: Shattered Showcase of Democracy in Asia (New York: M. Evans and Company, Inc., 1974), p. 16.

the politically inspired outrages occurred in August 1971. A political rally staged by the liberal party at Manila's Place Miranda was turned into a holocaust when bombs and grenades exploded on the outdoor speakers' platform, killing nine people and injuring ninety-six, among them the eight senatorial candidates who were present.³

Proclamation 1081

Confronted with what President Ferdinand Marcos considered a threat of internal subversion by the rising power of Jose Ma Sison's Communist party, with the New People's Army (NPA) as its arm, President Marcos placed the entire country under martial law in September 1972. In the eyes of the government, the participants in the demonstrations have become unwieldy and uncontrollable. The death and destruction resulting from these clashes led to bitterness on the part of the students and to grave governmental doubts as to the noble aims of the demonstrators.⁴ Thus, the president availed himself of Article VII, Section 10(2) of the constitution. In accordance with this proclamation, the president can govern by decrees and general orders and can abolish the legislative body. (For the complete text of Proclamation 1081, see the appendix.)

Invoking powers within the framework of his own edict, Marcos proceeded to exercise all executive and

³Ibid., p. 17.

⁴Agoncillo and Guerrero, p. 642.

legislative powers. He issued general orders to the armed forces in his capacity as commander-in-chief and letters of instruction to civil officials in his capacity as president. In the exercise of legislative powers, Marcos promulgated presidential decrees containing the vital resolatory portion stating they "shall be part of the law of the land unless ordered repealed or amended by me or by my duly authorized representatives."⁵

The president's proclamation was met with silence from the people. Marcos emphasized that the proclamation of martial law was not a military takeover and that the government of the Republic of the Philippines would continue.⁶ In accordance with Proclamation 1081, President Marcos ordered the Secretary of National Defense to arrest and detain persons who committed "crimes and offenses in furtherance or on the occasion of or incident to or in connection with the crimes of insurrection and rebellion" as defined in the Revised Penal Code, and

those who, in one way or another, committed and will commit crimes against society and the government, such as those involved in kidnapping, robbery, car-napping, smuggling, gun-running, trafficking in prohibited drugs and hijacking, tax evasion, price manipulation, and others guilty of weakening the fabric of society and of undermining the stability of the government.⁷

⁵General Order No. 1, dated September 22, 1972.

⁶Agoncillo and Guerrero, p. 642.

⁷Ibid.

Thus, on September 24, 1972, Manilans awoke to a silent city. There were no armored tanks or sandbag barricades. Only a few soldiers were in evidence at key intersections and the demonstrations were gone.⁸ Throughout the country, especially in the Greater Manila area, constabulary troopers sealed newspapers, radio, and television facilities.⁹ All citizens were subject to the new curfew which cleared the streets from midnight until 4 a.m.¹⁰

The Regime of Martial Law

Having done away with traditional politics, President Marcos immediately implemented his land reform program. The second Presidential Decree, dated September 26, 1972, proclaimed the entire Philippines as land reform area. In this proclamation, Marcos decreed that tenants should be given three to five hectares of irrigated rice or corn land. Realizing the importance of increased production, especially of grains, President Marcos issued Presidential Decree No. 4 which provided for the creation of the National Grains Authority which was intended to "effect" the desired changes and reforms in the social, economic, and political structure of society.¹¹

⁸Day, p. 160.

⁹General Order No. 2-A.

¹⁰Day, p. 160.

¹¹Agoncillo and Guerrero, p. 644.

To make the machinery of the government more responsive to the demands of the "New Society" as the martial law regime was called, Marcos issued Presidential Decree No. 6, prescribing the rules and regulations regarding discipline in the government service. The first year of the martial law regime saw a change in the behavior of the government officials and employees; however, discipline during the second year of martial law deteriorated and the old habits of indifference, inefficiency, dishonesty, and other misdemeanors returned with a vengeance. President Marcos was so scandalized by this development that he moved briskly and publicly accepted the resignations of employees whom he considered misfits or else guilty of dishonesty and inefficiency. Those who believed themselves not guilty filed resolutions of reconsiderations and, having been investigated, were reinstated to their positions if they were found innocent.¹²

The New Constitution

When martial law was declared, the constitutional convention, which had been meeting since the first week of June 1971, in order to frame a new constitution to replace that of 1935, voted unanimously on September 25, 1972, to "continue deliberations on vital issues." A motion was presented in the convention to adjourn the plenary meeting

¹²Ibid., p. 642.

until the lifting of martial law. Nevertheless, the convention continued its sessions. When the new charter was finished, President Marcos referred it to the 26,000 citizen assemblies all over the country.¹³ On January 17, 1973, the following proclamations were issued:

(1) Proclamation 1102: Announcing the ratification of the Constitution by the Filipino people. It was ratified by an overwhelming majority of the votes cast, not by the qualified voters in a national plebiscite by the members of the 35,000 barangays (citizen assemblies) throughout the country.

(2) Proclamation 1103: Declaring that the interim convening of the National Assembly be suspended.

(3) Proclamation 1104: Declaring the continuation of martial law in the country in accordance with the needs of the time and the desire of the Filipino people.¹⁴

Changes in the new constitution included the following:

- (1) the official abolition of the legislative body;
- (2) the exercise by President Marcos of the powers of both president and prime minister;
- (3) the change of the form of government from

¹³ Ibid.

¹⁴ Primo L. Tongko, The Philippine Government Under the Fourth Republic (Quezon City: R. P. Publishing Co., 1981), p. 113.

presidential to parliamentary; and

(4) the exercise by the president of the power to decide when to call the interim assembly.¹⁵

The constitution of the Philippines which was ratified on January 17, 1973, contains seventeen articles in addition to a preamble. Beginning with an article on the national territory, it includes a declaration of principles and state policies, citizenship, a bill of rights, duties and obligations of citizens, suffrage, the president, the National Assembly, the prime minister and the cabinet, the judiciary, local government, constitutional commissions, accountability of public officers, the national economy and the patrimony of the nation, general provisions, amendments, and transitory provisions.

The transitory provisions, however, were amended in 1976. Scrapping the interim National Assembly and its imposition, the amendments created instead an interim Batasang Pambansa composed of representatives elected by regions.¹⁶

Under the 1973 constitution, the president was merely a symbolic head of state, discharging ceremonial functions such as the formal appointment of the prime minister, attestations to an enactment, and reception of foreign dignitaries. This was, however, changed when the constitution was revised

¹⁵Agoncillo and Guerrero, p. 642.

¹⁶Gerardo S. Espina, Philippine Government (Quezon City: Panamao Publishing House, 1981), p. 42.

in 1981.

The Constitutional Position of the President

As a result of the ratification of the amendments to the 1973 constitution on April 7, 1981, the president became not only head of state, but also the chief executive of the Republic.¹⁷ The president as chief executive now exercises the powers which were formerly lodged in the prime minister under the 1973 constitution. This new form of Philippine political system is actually a mixture of the features of the French and Egyptian parliamentary models. Under the French type, the president exercises vast executive powers and may even dissolve the Parliament at will under certain conditions, including political anarchy and chaos, although the prime minister remains the head of the government.¹⁸ The new Philippine political system also retains the responsibility of the government headed by the prime minister to the Batasang Pambansa or parliament.¹⁹

Filipino leaders believe that what the Philippines needs is a strong executive who is shielded from the constant threats of being ousted. It was in recognition of this need that Filipinos ratified the amendments. Therefore,

¹⁷ New (1973) Constitution, Article VII, Section 1.

¹⁸ Encyclopedia Britannica, vol. 7 (Chicago: William Benton, Publisher, 1973), p. 604.

¹⁹ New (1973) Constitution, Article IX, Section 2.

in the 1981 constitution, the president was directly elected by the people, removable only by impeachment and given vast powers in formulating national policies and directing the affairs of the state. Therefore, there should be unity in approaching the problems of the nation, because he is supposed to be aided by a prime minister who is head of the government and of the cabinet and elected by a majority of the members of Parliament upon his nomination. In this sense, there is unity in policy formulation and political implementation.²⁰

The constitution does not limit the number of times a president may seek re-election. The new constitution expressly grants the following powers to the president:

(1) He has the power of control over the ministries.²¹

(2) As commander-in-chief of the armed forces, he may call them out to prevent or suppress lawless violence, invasion, insurrection, or rebellion and, during such emergency, he may suspend the writ of habeas corpus or place the entire Philippines or parts thereof under martial law.²²

(3) He may appoint certain government officials.²³

(4) Except in cases of impeachment, he may grant

²⁰Espina, p. 94.

²¹Article VII, Section 8.

²²Article VII, Section 9.

²³Article VII, Section 10.

reprieves, commutations, and pardons; remit fines and forfeitures; and, with the concurrence of the Parliament, grant amnesty.²⁴

(5) He may contract and guarantee foreign and domestic loans.²⁵

(6) He shall formulate the guidelines of national policy.²⁶

(7) He possesses the powers vested in the president under the 1935 constitution and existing laws of the country.²⁷

(8) He has veto power.²⁸

(9) He has power to enter into treaties.²⁹

(10) He may recognize foreign states.³⁰

This new form of government granted the president vast powers that he did not enjoy under the original text of the new constitution. Aside from being elected directly by the people, he is both the head of state and the chief executive of the Philippine Republic.³¹

²⁴Article VII, Section 11.

²⁵Article VII, Section 12.

²⁶Article VII, Section 13.

²⁷Article VII, Section 16.

²⁸Article VII, Section 20.

²⁹Article VII, Section 14(1).

³⁰Article VII.

³¹Espina, p. 94.

Unlike before, the president possesses the power of control over all the ministries, nominates the prime minister and the deputy prime minister, and appoints cabinet ministers.

The president is also given the power of commander-in-chief of the armed forces of the Philippines and may call them to suppress violence, rebellion, and insurrection. In case of his death prior to qualifying as president or if he fails to qualify for any reason, the duties of the president are exercised and discharged by an Executive Committee headed by the prime minister. In the absence of an Executive Committee, the Speaker of Parliament acts as president. Both the Executive Committee or the Speaker continue to discharge the functions of or act as president until a president is elected and qualified.³²

The Era of Martial Law in the Philippines

Proclamation 1081 by President Marcos on September 21, 1972, gave rise to a "New Society" in the Philippines. The martial law that was established was unique and different from the way such rule has been implemented and carried out in other countries. Instead of the military, with a display of all its armed might, lording it over all corners of the country, there were civil authorities performing their usual

³²Ibid.

duties.³³

The immediate reaction to the institution of martial law by the Filipino people was not only fear and abhorrence, but also outright defiance and condemnation. This is because the greatest sacrifice that can be imposed on those who have been used to the enjoyment of freedom is the sudden loss of such freedom.

Land Reform

One of the first things Marcos did after declaring martial law was to decree the entire country a "land reform area." To Marcos, the land problem is important to the stability of the country and its solution is the only way to defuse the recurrent threat of a Communist takeover.³⁴ Thus, in Presidential Decree No. 2, dated September 27, 1972, he proclaimed the entire Philippines a land reform area.³⁵ In exchange for the cancellation of old debts relating to the sharecropping of the land, and the acquisition of the land, the farmer is obliged to join a local cooperative which guarantees payment to the owner and provides the supplies of seed, farm implements, and fertilizers.³⁶

³³Tongko.

³⁴Day, p. 151.

³⁵Agoncillo and Guerrero, p. 644.

³⁶Day, p. 151.

After three years of initiation, the land reform program under the martial law regime was able to increase per hectare yield of rice by 40-50 percent over the pre-martial law period. In addition, the gross income of farmers increased by almost 100 percent. Some 365,000 hectares were transferred to 207,991 farmers as of November 1975. Part of the land reform also provided that lands smaller than seven hectares be placed under leasehold, totalling 155,479 hectares with 122,420 farmers tilling the soil.³⁷

Freedom of the Press

When President Marcos declared martial law throughout the country, constabulary troopers sealed newspapers and radio and television facilities. In simultaneous actions, teams of Philippine constabulary troops arrested leading journalists in Manila and other areas of the country, in accordance with General Order No. 2-A addressed to Secretary Enrile, and Letter of Instruction No. 1 issued by Marcos.

It is said that seldom in Southeast Asia has there ever been such a drastic change in the status of the media as in the case of the Philippines. As an Asian journalist noted:

The Philippine Government actions against the mass media have no parallel in the whole of Asia. A complete shutdown of media has not been attempted by Park Chung Hu's Korea, Ayub Khan's Pakistan,

³⁷Agoncillo and Guerrero, p. 642.

Thanarat's Thailand, Sukarno's Indonesia, or Lee Kuan Yew's Singapore.³⁸

Church Rift

The religious sector, representing Catholics, Protestants, and even Muslim denominations in the Philippines, has always kept its distance from the Marcos regime since the imposition of martial law. Because of this church-dictatorship rift, a number of clergymen who were vocal in their centers and many more are on the regime's "wanted list."³⁹ A pastoral letter from 110 member bishops which was read from pulpits in more than 3,000 churches across the nation included stinging attacks on the violations of human and civil rights, torture, and murder by the military and criticism of government inaction against poverty. It also sought a clear definition of subversion and legitimate dissent and appealed for an end to increasing militarization and media suppression.⁴⁰

Beneficial Effects of Martial Law

However undesirable martial law may be, it cannot be denied that something good was derived from it, according

³⁸ T. G. S. George, "The Party's Over," Far Eastern Economic Review, November 18, 1972, p. 14.

³⁹ David Rosenberg, Marcos and Martial Law in the Philippines (Ithaca, NY: Cornell University Press, 1979), p. 156.

⁴⁰ Ibid.

to those who are pro-martial law or "pro-Marcos."

There was an order for all persons (with some exceptions) to surrender their firearms and ammunition. This order caused the surrender of half a million firearms and millions of rounds of ammunition, thereby ending the reign of terror by hoodlums and warlords who were mostly professional politicians who maintained private armies and pampered the dissidents and lawless elements. This measure contributed greatly to the restoration of peace and order and to a marked decrease in crimes, particularly in cities and suburban areas.⁴¹

There was also reorganization of the government to make it more efficient and economical to operate. This was done by eliminating unnecessary offices and dismissing the undesirables who made government offices their milking cows and dens for gambling and other nefarious activities. Thus, the personnel of the government offices became more courteous and hardworking. It was also ingrained in the minds of government officials and employees that the office they hold is a public trust.

Land reform which may be considered one of the most significant steps of President Marcos resulted in the emancipation of tenant farmers from the clutches of their landlords. For this benefit alone the institution of martial

⁴¹Tongko, p. 358.

law is justified by some.⁴²

During the period of martial law, it is said that tax amnesty was improved and the financial standing of the country was stabilized. Previously, tax evasion was rampant among many including high government officials and wealthy businessmen. Only the poor-salaried, middle class depended on their meager salaries as their only source of income. The rate of tax collection was very low because of the negligence of tax collections or money was siphoned to them in the form of bribes. With tax amnesty, more than half a billion pesos was collected and many new taxpayers were added to the rolls.⁴³

At the beginning of martial law, there was a rapid increase in public work construction, repairs, and improvements, especially in Mindanao and the outlying rural areas. Schools, bridges, streets, irrigation systems, and other public works destroyed during devastating floods were rebuilt or repaired and new ones were constructed.⁴⁴

During this time the green revolution, a movement which arose from the acute shortage of food supply, particularly rice, vegetables, and fruits, began. It served to arrest the famine that threatened the entire country during

⁴²Ibid.

⁴³Ibid.

⁴⁴Ibid.

that time. The campaign was so effective that young students to school teachers, poor and rich alike, worked feverishly planting all vacant spaces, idle lands, and even sidewalks and street islands with all kinds of food crops. In no time, there was an oversupply of these crops, bringing down their prices within the reach of the lowly wage earners.⁴⁵

One of the major undertakings of the martial law period was the development of tourism as a major industry. One of the most effective factors boosting tourism was Balikbayan, a program or movement aimed at inviting and inducing Filipinos from abroad to pay a visit to their country and see for themselves the effects of martial rule on their homeland.⁴⁶

⁴⁵Ibid.

⁴⁶Ibid.

CHAPTER VII

POST-MARTIAL LAW IN THE PHILIPPINES

After eight years of martial law, Marcos lifted it in January 1981. Thus, the question is: Has Marcos succeeded in reforming the Filipino society? At first Marcos may have made some worthwhile reforms, but they did not succeed for the entire period of martial law. As Chris Abasola states:

From all indications, it is that nothing much has changed. People still scramble and push each other rather than falling in line. Elections are decided by money. . . . Money talks, they say. The erstwhile few "Congressmen" and "senatongs" are gone but in their places have descended hundreds, nay thousands, of military sharks which are more horrible, hence many common tao have joined the rebels in the mountains.¹

Graft and corruption, unreported in the controlled press, continue unabated in the uncontrolled press. As Abasola continues:

If Philippine society was sick before martial law, it was due to benign cancer, therefore curable. Today, I think Philippine society is sick with a dangerous malignant cancer. Only a miracle can save her.²

¹Chris Abasola, "Has Marcos Reformed Filipinos?" Philippine News, 5 April 1983, p. 3.

²Ibid.

After the lifting of martial law, the constitution has been so revised in the intervening years that Marcos retained most of his martial law powers, including the authority to order the arrest and detention without trial of anyone suspected of subversion.³ Public opponents continue to be detained.

Under Marcos, the Philippines accumulated an \$18 billion foreign debt, the second highest in the Orient. During the last decade, countries in the Southeast Asian region have had the fastest-growing economies in the world. The only exception is the Philippines, which lagged far behind its neighbors. Perhaps more significant, facts compiled by the Center for Research and Communications indicate that the rich appear to have gotten richer and the poor, poorer during the Marcos years.

After the lifting of martial law, important rights such as the writ of habeas corpus have not been fully restored and informal controls still keep a check on other rights such as free speech. Even moderate political opponents have found themselves branded by the government as subversives, radicals, communists, or criminals and many have been thrown out or (as in the case of former Senator Aquino) killed under mysterious circumstances.⁴ The former

³Robert Sexter, "Restore Democracy, Filipinos Tell Marcos," Los Angeles Times, 2 October 1983, p. 2.

⁴"Murder of Aquino Casts a Long, Dark Shadow," Los Angeles Times, 6 September 1983, p. 5.

Philippine Senator, returning from a three-year exile in the United States, lasted less than five minutes on home soil. In the company of soldiers, he was shot by a supposedly mysterious assassin who then was also shot by the soldiers.⁵ The death of Aquino has been a most significant result because it has invigorated a political opposition movement lulled into submission by the regime's heavy-handed tactics. Since the death of Aquino, almost daily demonstrations and protests have indicated a widespread resentment of the Marcos administration.⁶

A parallel to Iran is already being drawn, with Marcos being compared to the Shah. As in Iran, no democratic replacement for a man of Aquino's stature is available. In the book that he was working on before he died, Aquino wrote:

The battle being fought in the Philippines is between those who have been mesmerized by the efficiency of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's hope for betterment and progress. Aquino sought to fight the path of liberty, the middle way between authoritarianism corruption and communist temptation.⁷

Like Gandhi, he fought for democratic rights by peaceful means. Aquino's death was seen as an inspiration

⁵Ibid.

⁶Secter, p. 2.

⁷"Ninoy: Modern Day Dr. Jose Rizal," Philippine News, p. 16.

to bring courage to the Filipino people in the United States and in the Philippines to resist the tyranny that rules the country, for Aquino was seen as the best hope to end the seventeen-year authoritarian rule of President Ferdinand Marcos.

Economic Crises

The economic crisis that is now plaguing the Philippines is one of a series of crises heightened by the Aquino assassination. Economic woes had been increasing for several years but became apparent when the country underwent a 7.3 percent devaluation of the Philippine peso against the U.S. dollar, and another devaluation a few months later, pegging the peso-dollar official exchange rate at P14 to \$1, but which had gone up to as much as P28 to a U.S. dollar. In fact, there is a prediction that, by 1990, the dollar will be equivalent to 50 pesos.

The imminent collapse of the Philippine economy has also fired the business community to declare war against the Marcos regime since the president has been blaming this sector for non-cooperation.⁸

Rebel War

One of the significant, although unfortunate, events after martial law was the escalation of the bloody war waged

⁸ Philippine News, 4-10 January 1984, p. 1.

by rebel groups against dictatorship. The most active rebel groups in this shooting war are the communist-oriented New People's Army and the secessionist Moro National Liberation Front in Southern Philippines.

The war has exacted a heavy toll, in life and property, on both the government and rebel sides. At one point in March 1985, the Philippine Armed Forces was forced to face in bloody combat the rebels on some fifteen fronts across the country. There was also a point when the retired generals' group in the Philippines ridiculed the military for "losing the fight on practically all fronts where the dissidents choose to operate."⁹

Freedom of the Press

In the Philippines today, a free press is a thing of the past and the courageous few who dared to defy the authorities by putting out a "free press" quickly became the victims of suppression. One example is the We Forum, a weekly tabloid that defied press censors.¹⁰ The publishers--editors and columnists and staffwriters were rounded up in a military raid early in 1985 and the newspaper was padlocked--all because it reprinted from the Philippine News a series of articles branding as fake the medals and decorations that Ferdinand Marcos claimed to have earned from war

⁹ Ibid., p. 3.

¹⁰ Ibid.

exploits in World War II.

In the latter part of 1983, the Marcos regime swooped down on the Philippine Times, another Manila tabloid, when it linked Marcos and his wife Imelda to the assassination of Aquino. The editor was detained and the paper closed down.¹¹

Two years earlier, Marcos was also received with angry reactions from the opposition and human rights advocates in the Philippines and abroad because of two decrees, 1834 and 1835. The first decree was that anti-regime "agitators and publishers who allow their facilities to print propaganda may be executed or convicted." The second decree referred to the trials in absentia of political foes living in the United States and elsewhere. It was decreed that, upon their conviction, the government would confiscate their properties in the Philippines.¹²

Silencing the Opposition

Another drive to rid the dictatorship of any vestiges of opposition, according to Nick Benozza in his Philippine News article, is that, as early as April 1983, Marcos invoked his dictatorial powers and ordered the arrest and detention of Cagayan de Oro Mayor Aquilino Q. Pimentel, Jr., founder of the opposition Filipino Democratic Party and

¹¹ Ibid.

¹² Ibid.

an outstanding leader of the new crop of young political oppositionists. Pimental was arrested under the infamous Presidential Commitment Order (PCO), detained for over 100 days in a Cebu military camp, and charged with subversion. Pimentel was later released under house arrest and barred from assuming his office as mayor. The arrest and detention of Pimentel touched off mass demonstrations and prayer rallies in Cagayan de Oro, Cebu City, and Manila.¹³

Thus, with the suspension of a democratic constitution a decade ago in the Philippines by Marcos, the middle class that supported him has moved into opposition. As dissent spreads, awareness of gross violations of human rights also increases. These facts were verified by teams of American lawyers and scientists, after a shocking tour of jails and detention centers.¹⁴

Thus, the exercise of authoritarian powers since the declaration of martial law in 1972 continued ever after its lifting in 1981. Marcos' intolerance of democratic political opposition, exemplified by the nine years of martial law that he imposed on his country, has exacerbated matters even after the lifting of martial law.

¹³ Ibid.

¹⁴ "Paying the Wrong Piper in Manila?" New York Times, 12 December 1983, Editorial page.

Demands of the People

In the Philippines today, anti-Marcos rallies and demonstrations continue to spread to provinces across the country. In the cities and towns of every region in the Philippines, the angry populace has been aroused from a deep slumber and realized that it could no longer bear to carry the yoke of repressive dictatorship. People are now turning out in tens of thousands, marching in the streets, and rallying in parks and plazas where they voice their demand for an end to the Marcos dictatorship.¹⁵

In Pampanga, as in Bacolod City or Davao City, the demonstrators have the same objectives:

(1) To seek justice for the assassination of Senator Aquino and all victims of political repression, and work for the restoration of freedom and constitutional democracy.

(2) To end the Marcos regime and in its place establish a truly democratic, representative government.

(3) To restore fully freedom of speech, of the press, and of assembly. To give the Filipinos clean and honest elections, a speedy dialogue for national reconciliation, and the release of all political prisoners.

(4) But the overriding demand is the resignation of

¹⁵"The Philippines Rallies; Demonstration Continues across the Country," Philippine News, 23-29 November 1983, p. 1.

Ferdinand Marcos.¹⁶

In Baguio, for instance, some 10,000 Filipinos marched through the downtown streets demanding the resignation of Marcos and the restoration of democracy. Residents said the demonstration was the largest held in the mountain resort where many of the demonstrators, like their counterparts elsewhere in the country, wore yellow T-shirts bearing the picture of Aquino.

Six hundred miles south of Manila in Mindanao's rural province of South Cotabato, moderate opponents of the regime of President Marcos are beginning to speak out after more than a decade of silence.

Shock waves of protest that have rumbled across the nation since the assassination of opposition leader Aquino have reached Davao, a city fifty miles north of the provincial border. Since then "Yellow Fridays," which are rallies in memory of Aquino, have been observed regularly in Davao's confetti-littered streets. In the south, Cotabato's first anti-government protest occurred on December 1, 1983, three months after the assassination. In 95 degree heat, 7,000 people stood motionless for more than five hours at a run-down grandstand in Koronadal while a dozen speakers took turns lambasting the Philippine president.¹⁷

¹⁶ Ibid.

¹⁷ The Christian Science Monitor, 7 May 1984, p. 34.

The extra-ordinary power of the president under the old constitution enabled President Ferdinand Marcos to declare martial law in the Philippines. It was the use of this power that then enabled him to change the constitution and see to it that the changes in its provisions will in no way remove him as president. To Marcos, what a developing country like the Philippines needs is a "strong" authoritarian president who will rule unobstructed by a nagging Congress.¹⁸

At this writing, Marcos has been in power for the last twenty years in the Philippines. With Marcos' authoritarian regime, the democratic form of government has been destroyed and the death of Philippine democracy has occurred. The death of democracy is the death of hope in third world countries like the Philippines. Therefore, the restoration of a democratic tradition to the country is a must. As Ninoy Aquino would explain if he were still alive:

The Filipino people asks nothing more, but surely will accept nothing less, than all the rights and freedoms guaranteed by the 1935 constitution--the most sacred legacies from the Founding Fathers.¹⁹

¹⁸ Los Angeles Herald Examiner, August 1983, p. 1.

¹⁹ Horacio E. Paredes, "Unity of the Opposition: Perfect Gift," Philippine News, 14-20 December 1983, p. 1.

Conclusion

The future of the Philippines is unknown and unpredictable at this moment. The Philippines now faces tremendous political, economic, and social pressures which have badly affected its internal stability. Nevertheless, it is still the belief of this author that the Philippines can evolve democratically in spite of the present situation by making the necessary democratic reforms. Considering the overall situation of the country, it is now imperative that the democratic tradition and rule of law be installed as soon as possible. Giving up the extraordinary powers which President Marcos exercised for the last thirteen years and returning to the constitutional democracy which was guaranteed by the 1935 constitution is mandatory. When Marcos made use of his extra-ordinary powers in Proclamation 1081 in 1972, it was supposed to be the immediate solution to the Communist rebellion and conspiracy which was intent on overthrowing the government. After thirteen years, the Communist insurgency has increased and it seems the Philippines is headed toward becoming another Vietnam, Nicaragua, or Iran. If President Ramon Magsaysay of the 1950s was able to solve the Communist rebellion without using his extra-ordinary powers, then it can be done now.

Long-term reforms for the transformation of the present form of the government into a constitutional democratic form can be further researched. Reforms could

correct the political structure which threatens to throw the country into some form of political turmoil. The success of these democratic reforms will determine the future of the Philippines. Nonetheless, it is the hope of this study that, some day, the powers of the Philippine presidency will be reduced and the necessary safeguards of democracy will be properly placed in the Philippines.

APPENDIX I

THE OLD CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

PREAMBLE

The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

ARTICLE I--THE NATIONAL TERRITORY

SECTION 1. The Philippines comprises all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on the tenth day of December eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.

ARTICLE II--DECLARATION OF PRINCIPLES

SECTION 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SECTION 2. The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SECTION 3. The Philippines renounced war as an instrument of national policy, and adopts the generally accepted principle of international law as part of the law of the Nation.

SECTION 4. The natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government.

SECTION 5. The promotion of social justice to insure the well being and economic security of all the people should be the concern of the state.

ARTICLE III--BILL OF RIGHTS

SECTION 1. (1) No person shall be deprived of life, liberty, or property without the due process of law, nor shall any person be denied the equal protection of the laws.

(2) Private property shall not be taken for public use without just compensation.

(3) The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

(7) No law shall be made respecting the establishment of religion, prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without religious discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably

to assemble and petition the Government for redress of grievances.

(9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall without the consent of Congress of the Philippines, accept any present, emolument, office, or title of any kind whatever from any foreign state.

(10) No law impairing the obligation of contracts shall be passed.

(11) No ex post facto law or bill of attainder shall be enacted.

(12) No person shall be imprisoned for debt or non-payment of a poll tax.

(13) No involuntary servitude in any form shall exist except as punishment for crimes whereof the party shall have been duly convicted.

(14) The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period and necessity for such suspension shall exist.

(15) No person shall be held to answer for a criminal offense without due process of law.

(16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

(17) No person shall be compelled to be a witness against himself.

(18) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

(19) No person shall be twice put in jeopardy or punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

(20) Free access to the courts shall not be denied to any person by reason of poverty.

ARTICLE IV--CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines, and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

ARTICLE V--SUFFRAGE

SECTION 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

ARTICLE VI--LEGISLATIVE DEPARTMENT

SECTION 1. The legislative power shall be vested in a Congress of the Philippines which shall consist of a Senate and a House of Representatives.

SECTION 2. The Senate shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines as may be provided by law.

SECTION 3. The term of office of Senators shall be six years and shall begin on the thirtieth day of December next following their election. The first Senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the Senators of the

first group to serve for a term of six years; those of the second group, for four years, and those of the third group, for two years.

SECTION 4. No person shall be a Senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualifying elector, and a resident of the Philippines for not less than two years immediately prior to his election.

SECTION 5. The House of Representatives shall be composed of not more than one hundred and twenty Members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The Congress shall by law make an appointment within three years after the return of every enumeration and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of Members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present Assembly districts. Each representative district shall comprise, as far as practicable, continuous and compact territory.

SECTION 6. The term of office of the Members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

SECTION 7. No person shall be a Member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the same time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SECTION 8. (1) Elections for Senators and Members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In any case of vacancy in the Senate or House of Representatives, a special election may be called to fill such vacancy in a manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

SECTION 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

SECTION 10. (1) The Senate shall elect its President and the House of Representatives its Speaker.

Each House chooses such other officers as may be required.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner and under such penalties as such House may provide.

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members, expel a Member.

(4) Each House shall keep a journal of its proceedings, and from time to time publish the same excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

(5) Neither House during the sessions of the Congress shall without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 11. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each House, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior Justices in each Electoral Tribunal shall be its Chairman.

SECTION 12. There shall be a Commission on Appointments consisting of twelve Senators and twelve Members of the House of Representatives, elected by each House, respectively, on the basis of proportional representation of the political parties therein. The President of the Senate shall be the Chairman ex-officio of the Commission but shall not vote, except in case of tie.

SECTION 13. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been

organized with the election of their President and Speaker, respectively. The Commission on Appointments shall meet only while the Congress Members, to discharge such powers and functions as are herein conferred upon it.

SECTION 14. The Senators and the Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances and exclusive only of traveling expenses to and from their respective districts in the case of Members of the House of Representatives, and from their places of residence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

SECTION 15. The Senators and Members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SECTION 16. No Senator or Member of the House of Representatives may hold any other office or employment in the Government without forfeiting his seat, nor shall any Senator or Member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the Congress.

SECTION 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any subdivision or instrumentality thereof or in any subdivision or instrumentality thereof or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the Electoral Tribunal or before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any case or matter where he may be called upon to act on account of his office. No member

of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

SECTION 18. All appropriation, revenue or tariff bills, bills authorizing increase of the public debts, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

SECTION 19. (1) The President shall submit within fifteen days of the opening of each register session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the Congress and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

SECTION 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; but if not, he shall return it with his objections to the House where it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsiderations, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent together with the objections to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by yeas and nays, and the names of the Members voting for and against shall be entered on its Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted), after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of any appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects

one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten per centum of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of each House.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SECTION 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either House unless it shall have been printed and copies thereof in its final form furnished its Members at least three calendar days prior to its passage, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the yeas and nays entered on the Journal.

SECTION 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose to fix, tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents and purtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SECTION 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectorian institution, or system of religion or for the use, benefit or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SECTION 24. The heads of departments upon their own initiative or upon the request of either House may appear before and be heard by such House on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SECTION 25. The Congress shall with the concurrence of two-thirds of all the Members of each House have the sole power to declare war.

SECTION 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

ARTICLE VII--EXECUTIVE DEPARTMENT

SECTION 1. The executive power shall be vested in a President of the Philippines.

SECTION 2. The President shall hold his office during a term of four years and together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the National Government directed to the President of the Senate who shall, in the presence of the Senate and the House of Representatives, open to the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled.

SECTION 3. No person may be elected to the office of President or Vice-President unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SECTION 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of four years after their election, and the terms of their successors shall begin from such time.

SECTION 5. No person shall serve as President more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the services of the incumbent for the full term for which he was elected.

SECTION 6. If at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President shall have become President. If a President shall have been chosen before the time fixed for the beginning of his term, or if the President shall have failed to qualify, then the Vice-President shall act as President until a President shall have qualified, and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SECTION 7. Before he enters on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

SECTION 8. In the event of the removal of the President from office, or of his death, resignation, or inability

to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President declaring what officer shall then act as President and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

SECTION 9. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the Congress shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

SECTION 10. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the Writ of habeas corpus, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the Commission on Appointments, shall appoint the heads of the executive departments and bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and for those whom he may be authorized by law to appoint; but the Congress may by law vest in the appointment of inferior officers in the President alone, in the courts, or in heads of departments.

(4) The President shall have the power to make appointments during the recess of the Congress, but such appointments shall be effective only until approval by the Commission on Appointments or until the next adjournment of the Congress.

(5) The President shall from time to time give to Congress information of the state of the Nation, and recommend for its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the Congress.

(7) The President shall have the power, with the concurrence of two-thirds of all the Members of the Senate, to make treaties and with the consent of the Commission on Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the Government of the Philippines.

SECTION 11. (1) The executive departments of the present Government of the Philippine Islands shall continue as now authorized by law until the Congress shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession or intervene, directly or indirectly, in the management or control of any private enterprise which in any way profit by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

ARTICLE VIII--JUDICIAL

SECTION 1. The judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SECTION 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari,

or writ of error, as the law or the rules of court may provide final judgments and decrees of inferior courts in:

(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question.

(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(3) All cases in which the jurisdiction of any trial court is at issue.

(4) All criminal cases in which the penalty imposed is death or life imprisonment.

(5) All cases in which an error or question of law is involved.

SECTION 3. Until the Congress shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

SECTION 4. The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either in banc or in two divisions unless otherwise provided by law.

SECTION 5. The members of the Supreme Court and all judges of inferior courts are appointed by the President with the consent of the Commission on Appointments.

SECTION 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

SECTION 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The Congress shall by law determine the residence of judges of inferior courts.

SECTION 8. The Congress shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SECTION 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until the Congress shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each associate justice fifteen thousand pesos.

SECTION 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court in banc, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the Court.

SECTION 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent.

SECTION 12. No decision shall be rendered by any court of record without expression therein clearly and distinctly facts and the law on which it is based.

SECTION 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive right. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter, or supplement the rules concerning pleading, practice and procedure, and the admission to the practice of law in the Philippines.

ARTICLE IX--IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court and the Auditor General shall be

removed from the office on impeachment for the conviction of culpable violation of the Constitution, treason, bribery, or other high crimes.

SECTION 2. The House of Representatives by a vote of two-thirds of all its members, shall have the sole power of impeachment.

SECTION 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members of the Senate.

SECTION 4. Judgment in cases of impeachment shall not extend further than the removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Government, but the party convicted shall nevertheless be liable and subject to prosecution, trial and punishment, according to law.

ARTICLE X--COMMISSION ON ELECTIONS

SECTION 1. There shall be an independent Commission on Elections composed of a Chairman and two other Members to be appointed by the President with the consent of the Commission on Appointments, who shall hold office for a term of nine years and may be re-appointed. Of the Members of the Commission first appointed, one shall hold office for nine years, another for six years, and the third for three years. The Chairman and the other Members of the Commission on Elections may be removed from office only by impeachment in the manner provided in this Constitution.

Until the Congress shall provide otherwise, the Chairman of the Commission shall receive an annual salary of twelve thousand pesos, and the other Members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

SECTION 2. The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other

election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.

No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

SECTION 3. The Chairman and Members of the Commission on Elections shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government of any subdivision or instrumentality thereof.

SECTION 4. The Commission on Elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.

ARTICLE XI--GENERAL AUDITING OFFICE

SECTION 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the Congress shall provide otherwise, the Auditor General shall receive an annual compensation of twelve thousand pesos.

SECTION 2. The Auditor General shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government or the provinces or municipalities thereof. He shall keep the general accounts of the Government and preserve the vouchers pertaining thereto. It shall be the duty of the Auditor General to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. He shall also perform such other functions as may be prescribed by law.

SECTION 3. The decision of the Auditor General shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record in the manner provided by law.

SECTION 4. The Auditor General shall submit to the President and Congress an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

ARTICLE XII--CIVIL SERVICE

SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SECTION 2. Officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SECTION 3. No officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law.

SECTION 4. No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.

ARTICLE XIII--CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

SECTION 1. All agricultural, timber, and mineral lands of the public domain, water, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State and their disposition, development, or utilization shall be limited to citizens of the Philippines and their disposition, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant

lease, or concession at the time of the inauguration of the Government established under the Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SECTION 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SECTION 3. The Congress may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SECTION 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SECTION 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SECTION 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

ARTICLE XIV--GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SECTION 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SECTION 3. The Congress shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SECTION 4. The State shall promote scientific research and intervention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SECTION 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the state shall enjoy academic freedom. The State shall create scholarship in arts, science, and letters for specially gifted citizens.

SECTION 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SECTION 7. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SECTION 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty per centum of the capital of which is owned by citizens of the Philippines, nor shall franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual firm, or corporation,

except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the public interest so requires.

SECTION 9. The Government shall organize and maintain a national police force to preserve public order and enforce the law.

SECTION 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

ARTICLE XV--AMENDMENTS

SECTION 1. The Congress in joint session assembled by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments are submitted to the people for their ratification.

ARTICLE XVI--TRANSITORY PROVISIONS

SECTION 1. The first election of the officers provided in this Constitution and the inauguration of the Government of the Commonwealth of the Philippines shall take place as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-fourth nineteen hundred and thirty-four.

SECTION 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the Congress of the Philippines, and all references in such laws to the Government or officials of the Philippine Islands shall be constructed, insofar as applicable, to refer to the Government and corresponding officials under this Constitution.

SECTION 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution and all cases, civil, and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SECTION 4. All officers and employees in the existing Government of the Philippine Islands shall continue in office until the Congress shall provide otherwise, but all

officers whose appointments are by this Constitution vested in the President shall vacate their respective offices upon the appointment and qualification of their successors if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth of the Philippines.

SECTION 5. The members of the House of Representatives for the Mountain Province shall be elected as may be provided by law. The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for Members of the House of Representatives in such districts as may be provided by law.

SECTION 6. The provisions of this Constitution, except those contained in this article and in Article V, and those which refer to the election and qualifications of officers to be elected under the Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

ARTICLE XVII--SPECIAL PROVISIONS EFFECTIVE UNDER
THE PROCLAMATION OF THE INDEPENDENCE
OF THE PHILIPPINES

SECTION 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines -

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled and all existing property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent Government of the Philippines and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities of the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent Government of the Philippines; and where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any provinces, city, or municipality therein, the Government of the Philippines will make

adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The Government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The Government of the Philippines will embody the foregoing provisions of this article (except subsection [2]) in a treaty with the United States.

ARTICLE XVIII--THE COMMONWEALTH AND THE REPUBLIC

SECTION 1. The Government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

ORDINANCE APPENDED TO THE CONSTITUTION

Notwithstanding the provisions of section one, Article Thirteen and section eight, Article Fourteen, of the foregoing Constitution during the effectivity of the Executive Agreement entered into by the President of the Philippines with the President of the United States, approved March twenty-four, nineteen hundred and forty-six, pursuant to the provisions of Commonwealth Act Numbered Seven hundred and thirty-three, but in no case to extend beyond the third of July, nineteen hundred and seventy-four, the disposition, exploitation, development, and utilization of all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines, and the operation of public utilities, shall, if open to any person, be open to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly, by citizens of the United States in the same manner as to, and under the same conditions imposed upon, citizens of the Philippines or corporations or associations owned or controlled by citizens of the Philippines.

This constitution was amended by Resolution Numbered Seventy-three adopted by the Second National Assembly on the

eleventh day of April, nineteen hundred and forty, and approved by the President of the United States on the second day of December, nineteen hundred and forty, and by a Resolution of both Houses adopted in joint session of the first Congress of the Republic of the Philippines on the eighteenth day of September, nineteen hundred and forty-six and approved by a majority of the votes cast at the election held on the seventh day of March, nineteen hundred and forty-seven.

APPENDIX II

THE NEW CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES

(As Amended)

PREAMBLE

We, the sovereign Filipino people, imploring the aid of Divine Providence, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our Nations, and secure to ourselves and our posterity the blessings of democracy under a "regime" of justice, peace, liberty, and equality, do ordain and promulgate this Constitution.

Article I THE NATIONAL TERRITORY

SECTION 1. The national territory comprised of Philippine Archipelago, with all the islands and waters embraced therein, and all the other territories belonging to the Philippines by historic right or legal title, including the territorial sea, the air space, the subsoil, the sea-bed, the insular shelves, and the other submarine areas over which the Philippines has sovereignty or jurisdiction, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

Article II DECLARATION OF PRINCIPLES AND STATE POLICIES

SECTION 1. The Philippines is a republican State. Sovereignty resides in the people and all government authority emanates from them.

SECTION 2. The defense of the State is a prime duty of the Government and the people, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SECTION 3. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land, and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

SECTION 4. The State shall strengthen the family as a basic social institution. The natural right of parents in rearing of the youth for civic efficiency and the development of moral character shall receive the aid and support of the Government.

SECTION 5. The State recognizes the vital role of the youth in nation building and shall provide their physical, intellectual, and social well-being.

SECTION 6. The State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits.

SECTION 7. The State shall establish, maintain, and ensure adequate social services in the field of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent standard of living.

SECTION 8. Civilian authority is at all times supreme over the military.

SECTION 9. The State shall afford protection of labor, promote full employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration.

SECTION 10. The State shall guarantee and promote the autonomy of local government units, especially the barrio, to ensure their fullest development as self-reliant communities.

Article III CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippines at the

adoption of this Constitution.

(2) Those whose fathers and mothers are citizens of the Philippines.

(3) Those who elect Philippine citizenship pursuant to the provisions of the Constitution of nineteen hundred and thirty-five.

(4) Those who are naturalized in accordance with law.

SECTION 2. A female citizen of the Philippines who marries an alien shall retain her Philippine citizenship, unless by her act or omission she is deemed, under the law, to have renounced her citizenship.

SECTION 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

SECTION 4. A natural-born citizen is one who is a citizen of the Philippines from birth without having to perform any act to acquire or perfect his Philippine citizenship.

Article IV BILL OF RIGHTS

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

SECTION 2. Private property shall not be taken for public use without just compensation.

SECTION 3. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall not be violated, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined by the judge, or such other responsible officer as may be authorized by law, after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

SECTION 4. (1) The privacy of communication and correspondence shall be inviolable except upon lawful safety and order require otherwise.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

SECTION 5. The liberty of abode and of travel shall not be impaired except upon lawful order of the court, or when necessary in the interest of national security, public safety, or public health.

SECTION 6. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, shall be afforded the citizen subject to such limitations as may be provided by law.

SECTION 7. The right to form associations or societies for purposes not contrary to law shall not be abridged.

SECTION 8. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

SECTION 9. No law shall be passed abridging the freedom of speech, or the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

SECTION 10. No law granting a title of royalty or nobility shall be enacted.

SECTION 11. No law impairing the obligation of contracts shall be passed.

SECTION 12. No ex post facto law or bill of attainder shall be enacted.

SECTION 13. No person shall be imprisoned for debt or non-payment of a poll tax.

SECTION 14. No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

SECTION 15. The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, rebellion, or imminent danger thereof, when the public safety requires it.

SECTION 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

SECTION 17. No person shall be held to answer for a criminal offense without due process of law.

SECTION 18. All persons, except those charged with capital offenses when evidence of guilt is strong, shall be for conviction, be bailable by sufficient sureties. Excessive bail shall not be required.

SECTION 19. In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustified.

SECTION 20. No person shall be compelled to be a witness against himself. Any person under investigation for the commission of an offense shall have the right to remain silent and to counsel, and to be informed of such right. No force, violence, threat, intimidations, or any other means which vitiates the free will shall be used against him. Any confession obtained in violation of this section shall be inadmissible in evidence.

SECTION 21. Excessive fines shall not be imposed, nor cruel unusual punishment inflicted.

SECTION 22. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

SECTION 23. Free access to the courts shall not be denied to any person by reason of poverty.

Article V DUTIES AND OBLIGATIONS OF CITIZENS

SECTION 1. It shall be the duty of the citizen to be loyal to the Republic and to honor the Philippine flag, to defend the State and contribute to its development and welfare, to uphold the Constitution and obey the laws, and to cooperate with the duly constituted authorities in the attainment and preservation of a just and orderly society.

SECTION 2. The rights of the individual impose upon him the correlative duty to exercise them responsibly and with due regard for the rights of others.

SECTION 3. It shall be the duty of every citizen to engage in gainful work to assure himself and his family a life worthy of human dignity.

SECTION 4. It shall be the obligation of every citizen qualified to vote to register and cast his vote.

Article VI SUFFRAGE

SECTION 1. Suffrage shall be exercised by citizens of the Philippines not otherwise disqualified by law, who are eighteen years of age or over, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise for suffrage. The Batasang Pambansa shall provide a system for the purpose of securing the secrecy and sanctity of the vote.

Article VII THE PRESIDENT

SECTION 1. The President shall be the head of state and chief executive of the Republic of the Philippines.

SECTION 2. No person may be elected President unless he is a natural born citizen of the Philippines, a registered voter, able to read and write, at least fifty years of age on the day of election for President, and a resident of the Philippines for at least ten years immediately preceding.

SECTION 3. The President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June following the day of the election and shall end at noon of the same date six years thereafter when the term of his successor shall begin.

The return of every election for President, duly certified by the board of canvassers of each province or city, shall be transmitted to the Speaker at the Batasang Pambansa, election, and in the presence of the Batasang Pambansa open all the certificates, and the votes shall then be counted.

The person having the highest number of votes shall be proclaimed elected but in case two or more shall have an equal and the highest number of votes, one of them shall forthwith be chosen by a vote of a majority of all the Members of the Batasang Pambansa in session assembled.

SECTION 4. If, at the time fixed for the beginning of his term, the President-elect shall have died or shall have failed to qualify or if the President shall not have been chosen, the Executive Committee, headed by the Prime Ministers, as hereinafter provided, shall exercise the powers and discharge the duties of the President until a President shall have been elected and qualified. If the Batasang Pambansa withdraws its confidence in the Prime Ministers, the Speaker shall preside over the Executive Committee. In the absence of an Executive Committee, the Speaker of the Batasang Pambansa shall act as President until a President shall have been elected and qualified.

In the event of death or failure to qualify as herein provided, the Batasang Pambansa shall call a special election in the manner prescribed in Section 7 hereof.

SECTION 5. The President, on assuming office, shall take the following oath or affirmation:

"I do so solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man and consecrate myself to the service of the nation. So help me God."
(In case of affirmation, the last sentence is omitted.)

SECTION 6. (1) The President shall have an official residence and shall receive a compensation to be fixed, which shall not be increased or decreased during his term of office. He shall not receive during his tenure any other emolument from the Government or any other source. Until the Batasang Pambansa shall provide otherwise, the President shall receive an annual salary of one hundred thousand pesos.

(2) The President shall not, during his tenure, hold any office, practice any profession, participate directly or indirectly in the management of any business or be financially interested directly or indirectly in any contract with, or in any franchise or special privilege granted by the Government or any subdivision, agency or instrumentality thereof including any government-owned or controlled corporations.

SECTION 7. In case of permanent disability, death, removal from office or resignation of the President, the Committee headed by the Prime Minister as hereinafter provided shall exercise the powers of the President until a President shall have been elected and qualified. If the permanent disability, death, removal from office or resignation of the President occurs earlier than eighteen (18) months before the expiration of his term, the Batasang Pambansa shall, within thirty days from the time the vacancy occurs, call a special election to be held not earlier than forty-five days and not later than sixty days from the time of such call, to elect a President to serve the unexpired term.

In the absence of an Executive Committee, the Speaker shall act as President until the President shall have been elected and qualified.

SECTION 8. The President shall have control of the ministries.

SECTION 9. The President shall be commander-in-chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law.

SECTION 10. The President shall appoint the heads of bureaus and offices, the officers of the armed forces of the Philippines from the rank of brigadier general or commodore, and all other officers of the Government whose appointments are not otherwise provided for, and those whom he may be authorized by law to appoint. However, the Batasang Pambansa may by law vest in the Prime Minister, member of the Cabinet, the Executive Committee, courts, heads of agencies, commissions, and boards the power to appoint inferior officers.

SECTION 11. The President may except in cases of impeachment, grant reprieves, commutations and pardons, remit fines, and forfeitures and with the concurrence of the Batasang Pambansa, grant amnesty.

SECTION 12. The President may contract and guarantee foreign and domestic loans on behalf of the Republic of the Philippines, subject to such limitations as may be provided by law.

SECTION 13. The President shall formulate the guidelines of national policy.

SECTION 14. The President shall address the Batasang Pambansa at the opening of its regular session. He may appear before it at any other time.

SECTION 15. The President shall be immune from suit during his tenure. Thereafter, no suit whatsoever shall lie for official acts done by him or by others pursuant to his specific orders during his tenure.

The immunities herein provided shall apply to the incumbent President referred to in Article XVII of this Constitution.

SECTION 16. All powers vested in the President of the Philippines under the 1935 Constitution and the laws of the land which are not herein provided for or conferred upon any official shall be deemed and are hereby vested in the President unless the Batasang Pambansa provides otherwise.

Article VIII BATASANG PAMBANSA

SECTION 1. The legislative power shall be vested in a Batasang Pambansa.

SECTION 2. The Batasang Pambansa which shall be composed of not more than two hundred Members unless otherwise provided by law, shall include representatives elected from the different regions of the Philippines, those elected or selected from various sectors as may be provided by law, and those chosen by the President from the members of the Cabinet. Regional representatives shall be apportioned among the regions in accordance with the number of their respective inhabitants and on the basis of a uniform and progressive ratio.

The number of representatives from each region and the manner of their election shall be prescribed by law. The number of representatives from each sector and the manner of their election by selection, shall be prescribed by law.

SECTION 3. (1) The Members of the Batasang Pambansa shall have a term of six years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

(2) In case the Batasang Pambansa is dissolved the newly elected Members shall serve the unexpired portion of the term from the time the President convokes the Assembly, which shall not be later than thirty days immediately following their election.

SECTION 4. No person shall be a Member of the Batasang Pambansa as a regional representative unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, a registered voter in the Region in which he shall be elected and a resident thereof for a period of not less than one year immediately preceding the day of the election.

A sectoral representative shall be a natural-born citizen, able to read and write, and shall have such other qualifications as may be provided by law.

SECTION 5. (1) The regular election of the Members of the Batasang Pambansa shall be held on the second Monday of May, 1984, and every six years thereafter.

(2) In case a vacancy arises in the Batasang Pambansa eighteen months or more before a regular election, the Commission on Elections shall call a special election to be held within sixty days after the vacancy occurs to elect the Member to serve the unexpired term.

SECTION 6. The Batasang Pambansa shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine. However, it may be called to session at any time by the President to consider such subjects or legislation as he may designate.

SECTION 7. (1) The Batasang Pambansa shall, by a majority vote of all its Members, elect its Speaker from the Members thereof. It shall choose such other officers as it may deem necessary.

(2) A majority of all the Members of the Batasang Pambansa shall constitute a quorum to do business, but a small number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as the Batasang Pambansa may provide.

(3) The Batasang Pambansa may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members,

suspend or expel a Member, but if the penalty is suspension, this shall not exceed sixty days.

(4) The Batasang Pambansa shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

SECTION 8. (1) Unless provided by law, each Member of the Batasang Pambansa shall receive an annual salary of sixty thousand pesos. The Speaker of the Batasang Pambansa shall receive an annual salary of seventy-five thousand pesos. No increase in salary shall take effect until after the expiration of the term of the Members of the Batasang Pambansa approving such increase.

(2) The records and books of accounts of the Batasang Pambansa shall be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually the itemized expenditures for each Member.

SECTION 9. A member of the Batasang Pambansa shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest during his attendance at its sessions, and in going to and returning from the same; but the Batasang Pambansa shall surrender the Member involved to the custody of the law within twenty-four hours after its adjournment for a recess or for its next session, otherwise such privilege shall cease upon its failure to do so. A Member shall not be questioned nor held liable in any other place for any speech or debate in the Batasang or in any committee thereof.

SECTION 10. A Member of the Batasang Pambansa shall not hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations, during his tenure except that of Prime Minister, Deputy Prime Minister, Members of the Cabinet or the Executive Committee, or Deputy Minister. Neither shall he be appointed to any civil office which may have been created or the emoluments thereof increased while he was a member of the Batasang Pambansa.

SECTION 11. No member of the Batasang Pambansa shall appear as counsel before any court without appellate jurisdiction, before any court in any civil case wherein the Government, or any subdivision, agency, or instrumentality thereof is the adverse party, or in any criminal case wherein

any officer or employer of the Government is accused of an offense committed in relation to his office, or before any administrative body. Neither shall he, directly or indirectly, be interested financially in any contract with or in any franchise or special privilege granted by the Government or any subdivision, agency or instrumentality thereof, including any Government-owned or controlled corporation, during this term of office. He shall not accept employment to intervene in any cause or matter where he may be called upon to act on account of his office.

SECTION 12. (1) There shall be a question hour at least once a month or as often as the Rules of the Batasang Pambansa may provide, which shall be included in its agenda, during which the Prime Minister may be required to appear and answer questions and interpellations by Members of the Batasang Pambansa. Written questions shall be submitted to the Speaker at least three days before scheduled question hour. Interpellations shall not be limited to the written questions, but may cover matters related thereto. The agenda shall specify the subjects of the question hour. When the security of the State so requires and the Prime Minister so states in writing, the question hour shall be conducted in executive session.

(2) The Batasang Pambansa or any of its Committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in such inquiries shall be respected.

SECTION 13. (1) The Batasang Pambansa may withdraw its confidence from the Prime Minister by a majority vote of all its Members. The motion for a vote of no confidence shall be calendared for debate if it is signed by at least one-fifth of the Members of the Batasang Pambansa. No such motion shall be debated and voted upon until after the lapse of seven days after its submission.

Within ten days from receipt of the written advice of the approval of the motion of no confidence, the President may submit a nominee for a Prime Minister to be elected by the Batasang Pambansa.

(2) The Prime Minister may advise the President in writing to dissolve the Batasang Pambansa whenever the need arises for a popular vote of confidence on fundamental issues, but not on a matter involving his own personal integrity.

SECTION 14. (1) Except as otherwise provided in this Constitution, no treaty shall be valid and effective unless

concurrent in by a majority of all the Members of the Batasang Pambansa.

(2) The Batasang Pambansa, by a vote of two-thirds of all its Members, shall have the sole power to declare the existence of a state of war.

SECTION 15. In times of war or other national emergency, the Batasang Pambansa may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Batasang Pambansa, such powers shall cease upon its next adjournment.

SECTION 16. (1) The Prime Minister shall submit to the Batasang Pambansa within thirty days from the opening of each regular session, as the basis of the general appropriations bill, a budget of receipts based on existing and proposed revenue measures and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

(3) The procedure in approving appropriations for the Batasang Pambansa shall strictly follow the procedure for approving appropriations for other departments and agencies.

(4) A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified to by the National Treasurer, or to be raised by a corresponding revenue proposal included therein.

(5) No law shall be passed authorizing any transfer of appropriations; however, the President, the Prime Minister, the Speaker, the Chief Justice of the Supreme Court, and the heads of constitutional commissions may by law be authorized for their respective offices from savings in other items of their respective appropriations.

(6) If, by the end of any fiscal year, the Batasang Pambansa shall have failed to pass the general appropriations bill for the ensuing fiscal year, the General Appropriations Law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the General Appropriations Bill is passed by the Batasang Pambansa.

SECTION 17. (1) The rule of taxation shall be uniform and equitable. The Batasang Pambansa shall evolve a progressive system of taxation.

(2) The Batasang Pambansa may by law authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff rates, import and export quotas, tonnage and wharfage fees, and other duties or imports.

(3) Charitable institutions, churches, parsonages or convents appurtenant thereto, mosques, and non-profit cemeteries, and all lands, buildings, and improvements actually, directly and exclusively used for religious or charitable purposes shall be exempt from taxation.

(4) No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the Batasang Pambansa.

SECTION 18. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(2) No public money or property shall ever be appropriated, applied, paid, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefits, or support of any priest, preacher, minister, or other religious teacher or dignitary unless assigned to the armed forces, or any penal institution, or government orphanage or leprosarium.

SECTION 19. (1) Every bill shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to the Members three days before its passage, except when the Prime Minister certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas and nays entered in the Journal.

SECTION 20. (1) Every bill passed by the Batasang Pambansa shall, before it becomes law, be presented to the President. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the Batasang Pambansa. The bill may be reconsidered by

the Batasang Pambansa and, if approved by two-thirds of all its Members, shall become a law. The President shall act on every bill passed by the Batasang Pambansa within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

(2) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.

Article IX
THE PRIME MINISTER, THE CABINET AND
EXECUTIVE COMMITTEE

SECTION 1. There shall be a Cabinet which shall be composed of Ministers with or without portfolio appointed by the President. At least a majority of the Members of the Cabinet who are heads of ministries shall come from the Regional Representatives of the Batasang Pambansa.

The Prime Minister shall be the head of the Cabinet. He shall upon the nomination of the President from among the Members of the Batasang Pambansa, be elected by a majority of all the Members thereof.

SECTION 2. The Prime Minister and the Cabinet shall be responsible to the Batasang Pambansa for the program of government approved by the President.

SECTION 3. There shall be an Executive Committee to be designated by the President composed of the Prime Minister as Chairman, and not more than fourteen other members, at least half of whom shall be Members of the Batasang Pambansa. The Executive Committee shall assist the President in the exercise of his powers and functions and in the performance of his duties as he may prescribe.

SECTION 4. The term of office of the Prime Minister shall commence from the date of his election by the Batasang Pambansa and shall end on the date that the nomination of his successor is submitted by the President to the Batasang Pambansa. Any other member of the Cabinet or the Executive Committee may be removed at the discretion of the President.

SECTION 5. (1) The President may nominate from among the Members of the Batasang Pambansa a Deputy Prime Minister who shall be elected by a majority of the Members thereof. The Deputy Prime Minister shall perform such functions as may be assigned to him by the Prime Minister.

(2) The President shall also appoint the Deputy Ministers who shall perform such functions as may be assigned in them or by the respective heads of ministries.

SECTION 6. The Prime Minister, Deputy Prime Minister, the Members of the Cabinet, and the Members of the Executive Committee, on assuming office, shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

SECTION 7. The salaries and emoluments of the Prime Minister, Deputy Prime Minister, Members of the Cabinet and of the Executive Committee shall be fixed by law which shall not be increased or decreased during their tenure of office. Until otherwise provided by law, the Prime Minister shall receive the same salary as that of the President.

SECTION 8. The Prime Minister, the Members of the Cabinet and the Members of the Executive Committee shall be subject to the provisions of Section 2, Article VII hereof, and may not appear as counsel before any court or administrative body, or manage any business, or practice any profession, and shall also be subject to such other disqualifications as may be provided by law.

SECTION 9. The Prime Minister, Deputy Prime Minister, any Member of the Cabinet or the Executive Committee may resign for any cause without vacating his seat as Regional or Sectoral Representative in the Batasang Pambansa, or any other Government position.

SECTION 10. The Prime Minister shall have supervision of all ministries.

Article X THE JUDICIARY

SECTION 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law. The Batasang Pambansa shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5 hereof.

SECTION 2. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit en banc or in two divisions.

(2) All cases involving the constitutionality of a treaty, executive agreement, or law shall be heard and decided by the Supreme Court en banc, and no treaty, executive agreement, or law may be declared unconstitutional without the concurrence of at least ten Members. All other cases, which under its rules are required to be heard en banc, shall be decided with the concurrence of at least eight Members.

(3) Cases heard by a division shall be decided with the concurrence of at least five Members, but if such required number is not obtained, the case shall be decided en banc; provided that no doctrine or principle of law laid down by the Court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc.

SECTION 3. (1) No person shall be appointed Member of the Supreme Court unless he is a natural-born citizen of the Philippines, at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

(2) The Batasang Pambansa shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge thereof unless he is a natural-born citizen of the Philippines and a member of the Philippine Bar.

SECTION 4. The Members of the Supreme Court and judges of inferior courts shall be appointed by the President (as amended in 1981).

SECTION 5. The Supreme Court shall have the following powers:

(1) Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.

(2) Review and revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and decrees of inferior courts in--

(a) All cases in which the constitutionality or validity of any treaty, executive agreement, law, ordinance, or executive order or regulation is in question.

(b) All cases involving the legality of any tax, imposed in relation thereto,

(c) All cases in which the jurisdiction of any inferior court is in issue,

(d) All criminal cases in which the penalty imposed is death or life imprisonment.

(3) Assign temporarily judges of inferior courts to other stations as public interest may require. Such temporary assignment shall not last longer than six months without the consent of the judge concerned.

(4) Order a change of venue or place of trial to avoid a miscarriage of justice.

(5) Promulgate rules concerning pleading, practice, and procedure in all courts, the admission to the practice of law, and the integration of the Bar, which, however, may be repealed, altered, or supplemented by the Batasang Pambansa. Such rules provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights (as amended in 1981).

(6) Appoint its officials and employees in accordance with the Civil Service Law.

SECTION 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereto.

SECTION 7. The Members of the Supreme Court and judges of inferior courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court shall have the power to discipline judges or inferior courts and, by a vote of at least eight Members, order their dismissal (as amended in 1980).

SECTION 8. The conclusion of the Supreme Court in any case submitted to it for decision en banc or in division shall be reached in consultation before the case is assigned to a Member for the writing of the opinion of the Court. Any Member dissenting from a decision shall state the reasons for his dissent. The same requirements shall be observed by all inferior collegiate courts.

SECTION 9. Every decision of a court of record shall clearly and distinctly state the facts and the law on which it is based. The Rules of Court shall govern the promulgation of minute resolutions.

SECTION 10. The salary of the Chief Justice and of the Associate Justices of the Supreme Court, and of Judges of inferior courts shall be fixed by law, which shall not be decreased during their continuance in office. Until the Batasang Pambansa shall provide otherwise, the Chief Justice shall receive an annual salary of seventy-five thousand pesos, and each Associate Justice, sixty thousand pesos.

SECTION 11. (1) Upon the effectivity of this Constitution, the maximum period within which a case or matter shall be decided or resolved from the date of its submission, shall be eighteen months for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all inferior collegiate courts, and three months for all other inferior courts.

(2) With respect to the Supreme Court and other collegiate appellate courts, when the applicable maximum period shall have lapsed without the rendition of the corresponding decision or resolution because the necessary vote cannot be had, the judgment, order, or resolution appealed from shall be deemed affirmed, except in those cases where a qualified majority is required and in appeals from judgments of conviction in criminal cases, and in original special civil actions and proceedings for habeas corpus, the petition in such cases shall be deemed dismissed; and a certification to this effect signed by the Chief Magistrate of the court shall be issued and a copy thereof attached to the record of the case.

SECTION 12. The Supreme Court shall within thirty days from the opening of each regular session of the Batasang Pambansa issue an annual report on the operations and activities of the Judiciary.

Article XI LOCAL GOVERNMENT

SECTION 1. The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities, and barrios.

SECTION 2. The Batasang Pambansa shall enact a local government code which may not thereafter be amended except with a majority vote of all its Members, defining a more responsive and accountable local government structure with an effective system of recall, allocating among the different units their powers, responsibilities, and resources, and providing for the qualifications, election and removal, term, salaries, powers, functions, and duties of local officials,

and all other matters relating to the organization and operation of the local units. However, any change in the existing form of local government shall not take effect until ratified by a majority of the votes cast in a plebiscite called for the purpose.

SECTION 3. No province, city, municipality, or barrio may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code, and subject to the approval by a majority of the votes cast in a plebiscite in the unit or units affected.

SECTION 4. (1) Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barrios, shall ensure that the acts of their component units are within the scope of their assigned powers and functions. Highly urbanized cities, as determined by standards established in the local government code, shall be independent of the province.

(2) Local government units may group themselves, or consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them.

SECTION 5. Each local government unit shall have the power to create its own sources of revenue and to levy taxes, subject to such limitations as may be provided by law.

Article XII THE CONSTITUTIONAL COMMISSIONS

A. Common Provisions

SECTION 1. The Constitutional Commissions shall be the Civil Service Commission, the Commission of Elections, and the Commission on Audit.

SECTION 2. Unless otherwise provided by law, the Chairman and each Commissioner of a Constitutional Commission shall receive an annual salary of sixty thousand pesos and fifty thousand pesos, respectively, which shall not be decreased during their continuance in office.

SECTION 3. No Member of a Constitutional Commission shall, during his tenure, be occupied in any profession or in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations.

SECTION 4. The Constitutional Commission shall appoint their officials and employees in accordance with the Civil Service Law.

B. The Civil Service Commission

SECTION 1. (1) The Civil Service embraces every branch, agency, subdivision, and instrumentality of the Government, including every government-owned or controlled corporation. It shall be administered by an independent Civil Service Commission composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines, and, at the time of their appointment, are at least thirty-five years of age and holders of a college degree, and must not have been candidates for any elective position in the election immediately preceding their appointment. The Chairman and Commissioners shall be appointed by the President for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor (as amended in 1981).

(2) The Commission shall, subject to such limitations as may be provided by law, establish a career service and adopt measures to promote morale, efficiency, and integrity in the Civil Service.

SECTION 2. Appointments in the Civil Service, except as those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SECTION 3. No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law.

SECTION 4. (1) Unless otherwise provided by law, no elective official shall be eligible for appointment to any office or position during his tenure except as Member of the Executive Committee referred to in Section 3, Article IX hereof (as amended in 1981).

(2) No candidate who lost an election shall be eligible for appointment or reappointment to any office in the Government, or in any government-owned or controlled corporation, within one year following such election.

SECTION 5. No officer or employee in the Civil Service, including members of the armed forces, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote.

SECTION 6. The Batasang Pambansa shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations, taking into account the nature of the responsibilities pertaining to, and the qualifications required for, the positions concerned.

C. The Commission on Elections

SECTION 1. (1) There shall be an independent Commission on Elections composed of a Chairman and eight Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age and holders of a college degree. However, a majority thereof, including the Chairman, shall be members of the Philippine Bar who have been engaged in the practice of law for at least ten years.

(2) The Chairman and Commissioners shall be appointed by the President for a term of seven years without reappointment. Of the Commissioners first appointed, three shall hold office for seven years, three for five years, and the last three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor (as amended in 1981).

SECTION 2. The Commission on Elections shall have the following powers and functions:

(1) Enforce and administer all laws relative to the conduct of elections.

(2) Be the sole judge of all contests relating to the elections, returns, and qualifications of all Members of the Batasang Pambansa and elective provincial city officials.

(3) Decide, save those involving the right to vote, administrative questions affecting elections, including the determination of the number and location of polling places, the appointment of election officials and inspectors, and the registration of voters.

(4) Deputize, with the consent or at the instance of the Prime Minister, law enforcement agencies and instrumentalities of the Government, including the armed forces of the Philippines, for the purpose of ensuring free, orderly, and honest elections.

(5) Register and accredit political parties subject to the provisions of Section eight hereof.

(6) Recommend to the Batasang Pambansa effective measures to minimize election expenses and prohibit all forms of election frauds and malpractices, political opportunism, guest or nuisance candidacy, or other similar acts.

(7) Submit to the President, the Prime Minister, and the Batasang Pambansa, a report on the conduct and manner of each election.

(8) Perform such other functions as may be provided by law.

SECTION 3. The Commission on Elections may sit en banc, or in three divisions. All election cases may be heard and decided by divisions, except contests involving Members of the Batasang Pambansa, which shall be heard and decided en banc. Unless otherwise provided by law, all election cases shall be decided within ninety days from the date of their submission for decision.

SECTION 4. The Commission may recommend to the Prime Minister the removal of, or any other disciplinary action against, any officer or employee it has deputized, for violation or disregard of, or disobedience to, its decision, order, or directive.

SECTION 5. The enjoyment or utilization of all franchise or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, may be supervised or regulated by the Commission during the election period for the purpose of ensuring free, orderly, and honest elections.

SECTION 6. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter.

SECTION 7. No pardon, parole, or suspension of sentence for violation of the law or rules and regulations concerning elections shall be granted without the recommendation of the Commission.

SECTION 8. The political parties whose respective candidates for President have obtained the first and second highest number of votes in the last preceding election for President under this Constitution shall be entitled to accreditation if each has obtained at least ten percent (10%) of the total number of votes cast in such election. If the candidates for President obtaining the two highest number of votes do not each obtain at least ten percent (10%) of the total number of votes cast, or in case no election for President shall as yet have been held, the Commission on Elections shall grant accreditation to political parties as may be provided by law.

No religious sect shall be registered as a political party, and no political party which seeks to achieve its goal through violence shall be entitled to accreditation (as amended in 1981).

SECTION 9. (1) Bona fide candidates for any public office shall be free from any form of harrassment and discrimination.

(2) Accredited political parties shall be represented in the registration board, board of election inspector, board of canvassers, or other similar bodies as may be provided by law.

Accredited political parties may by law be granted other rights or privileges (as amended in 1981).

SECTION 10. No elective public officer may change his political party affiliation during his term of office, and no candidate for any elective public office may change his political party affiliation within six months immediately preceding or following an election, unless otherwise provided by law (as amended in 1981).

SECTION 11. Any decision, order, or ruling of the Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from his receipt of a copy thereof.

D. The Commission on Audit

SECTION 1. There shall be an independent Commission on Audit composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least forty years of age and certified public accountants or members of the Philippine Bar for at least ten years.

(2) The Chairman and the Commissioners shall be appointed by the Prime Minister for a term of seven years without reappointment. Of the Commissioners first appointed, one shall hold office for seven years, another for five years, and the third for three years. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

SECTION 2. The Commission on Audit shall have the following powers and functions:

(1) Examine, audit, and settle, in accordance with law and regulations, all accounts pertaining to the revenues and receipts of, and expenditures or uses of funds and property owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations; keep the general accounts of the Government and, for such period as may be provided by law, preserve and vouchers pertaining thereto; and promulgate accounting and auditing rules and regulations including those for the prevention of irregular, unnecessary, excessive, or extravagant expenditures or uses of funds and property.

(2) Decide any case brought before it within sixty days from the date of its submission for resolution. Unless otherwise provided by law, any decision, order, or ruling of the Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from his receipt of a copy thereof.

(3) Submit to the President, the Prime Minister, and the National Assembly, within the time frame fixed by law, an annual financial report of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and recommend measures necessary to improve their efficiency and effectiveness. It shall submit such other reports as may be required by law.

(4) Perform such other duties and functions as may be prescribed by law.

Article XIII ACCOUNTABILITY OF PUBLIC OFFICERS

SECTION 1. Public office is a privilege of public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.

SECTION 2. The President, the Members of the Supreme Court, and the Members of the Constitutional Commissions shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, other high crimes, or graft and corruption.

SECTION 3. The Batasang Pambansa shall have the exclusive power to initiate, try, and decide all cases of impeachment. Upon the filing of a verified complaint, the Batasang Pambansa may initiate impeachment by a vote of at least one-fifty of all its Members. No official shall be convicted without the concurrence of at least two-thirds of all Members thereof. When the National Assembly sits in impeachment cases, its Members shall be on oath or affirmation.

SECTION 4. Judgments in cases of impeachment shall be limited to removal from office and disqualification to hold any office of honor, trust, or profit under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, in accordance with law.

SECTION 5. The Batasang Pambansa shall create a special court to be known as Sandiganbayan, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office as may be determined by law.

SECTION 6. The Batasang Pambansa shall create an office of the Ombudsman, to be known as Tanodbayan, which shall receive and investigate complaints relative to public office, including those government-owned or controlled corporations, make appropriate recommendations, and in case of failure of justice as defined by law, file and prosecute the corresponding criminal, civil, or administrative case before the proper court or body.

Article XIV
THE NATIONAL ECONOMY AND THE
PATRIMONY OF THE NATION

SECTION 1. The Batasang Pambansa shall establish a National Economic and Development Authority, to be headed by the President, which shall recommend to the Batasang Pambansa, after consultation with the private sector, local government units, and other appropriate public agencies, continuing, coordinated, and fully integrated social and economic plans and programs (as amended in 1981).

SECTION 2. The State shall regulate or prohibit private monopolies when the public interest so requires. No combination in restraint of trade or unfair competition shall be allowed.

SECTION 3. The Batasang Pambansa shall, upon recommendation of the National Economic and Development Authority, reserve to citizens of the Philippines or to corporations or associations wholly owned by such citizens, certain traditional areas of investments when the national interest so dictates.

SECTION 4. The Batasang Pambansa shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SECTION 5. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least sixty per centum of which is owned by such citizens, nor shall such franchise certificate or authorization be exclusive in character or for a longer period than fifty years. Neither shall any such franchise or right be granted under the condition that it shall be subject to amendment, alteration, or repeal by the Batasang Pambansa when the public interest so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in the capital thereof.

SECTION 6. The State may in the interest of national welfare or defense establish and operate industries and means of transportation and communication, and upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

SECTION 7. In times of national emergency when the public interest so requires, the State may temporarily take over or direct the operation of any privately owned public utilities or business affected with public interest.

SECTION 8. All lands of the public domain, waters, minerals, coal, petroleum and other mineral oils, all forces of potential energy, fisheries, wildlife and other natural resources of the Philippines belong to the State. With the exception of agricultural, industrial, or commercial,

residential, and resettlement lands of the public domain, natural resources shall not be alienated, and no license, concession, or lease for the exploration, development, exploitation, or utilization of any of the natural resources shall be granted for a period not exceeding twenty-five years, renewable for not more than twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases, beneficial use may be the measure and the limit of the grant.

SECTION 9. The disposition, development, exploitation, or utilization of any of the natural resources of the Philippines shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens. The Batasang Pambansa in the national interest, may allow such citizens, corporations, or associations, to enter into service contracts for financial, technical, management, or other forms of assistance with any foreign person or entity for the exploration, development, exploitation, or utilization of any of the natural resources. Existing valid and binding service contracts for financial, technical, management, or other forms of assistance are hereby recognized as such.

SECTION 10. Lands of the public domain are classified into agriculture, industrial or commercial, residential, resettlement, mineral, timber or forest, and grazing lands and such other classes as may be provided by law.

SECTION 11. The Batasang Pambansa, taking into account conservation, ecological, and development requirements of the natural resources, shall determine by law the size of lands of the public domain which may be developed, held or acquired by, or leased to, any qualified individual, corporation, or association, and the conditions therefor. No private corporation or association may hold alienable lands of the public domain except hectares in area; nor may any citizen hold such lands by lease in excess of five hundred hectares or acquired by purchase or homestead in excess of twenty-four hectares. No private corporation or association may hold by lease, concession, license, or permit, timber or forest lands and other timber or forest resources in excess of one hundred thousand hectares; however, such area may be increased by the Batasang Pambansa upon the recommendation of the National Economic and Development Authority.

SECTION 12. The State shall formulate and implement an agrarian reform program aimed at emancipating the tenant from the bondage of the soil and achieving the goals enunciated in this Constitution.

SECTION 13. The Batasang Pambansa may authorize, upon payment of just compensation, the expropriation of private lands to be subdivided into small lots and conveyed at cost to deserving citizens.

SECTION 14. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

SECTION 15. Notwithstanding the provisions of Section 14 of this Article, a natural-born citizen of the Philippines who has lost his citizenship may be a transferee of private land, for use by him as his residence, as the Batasang Pambansa may provide (as added in 1981).

SECTION 16. Any provision of paragraph one, Section fourteen, Article VIII and of this Article notwithstanding, the President may enter into international treaties or agreements as the national welfare and interest may require.

Article XV GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SECTION 2. The Batasang Pambansa may by law adopt a new name for the country, a national anthem, and a national seal, which shall all be truly reflective and symbolic of the ideals, history, and traditions of the people. Thereafter, the national name, anthem, and seal so adopted shall not be subject to change except by constitutional amendment.

SECTION 3. (1) This constitution shall be officially promulgated in English and in Filipino, and translated into each dialect spoken by over fifty thousand people, and into Spanish and Arabic. In case of conflict, the English text shall prevail.

(2) The Batasang Pambansa shall take steps towards the development and formal adoption of a common national language to be known as Filipino.

(3) Until otherwise provided by law, English and Filipino shall be the official language.

SECTION 4. All public officers and employees and members of the armed forces shall take an oath to support and defend the Constitution.

SECTION 5. No elective or appointive public officer or employee shall receive additional or double compensation unless specifically authorized by law, nor accept, without the consent of the Batasang Pambansa, any present, office, or title of any kind from any foreign state.

SECTION 6. No salary or any form of emolument of any public officer or employee, including constitutional officers shall be exempted from payment of income tax.

SECTION 7. (1) The ownership and management of mass media shall be limited to citizens of the Philippines or to corporations or associations wholly owned and managed by such citizens.

(2) The governing body of every entity engaged in commercial telecommunications shall in all cases be controlled by citizens of the Philippines.

SECTION 8. (1) All educational institutions shall be under the supervision of, and subject to regulation by, the State. The State shall establish and maintain a complete, adequate, and integrated system of education relevant to the goals of national development.

(2) All institutions of higher learning shall enjoy academic freedom.

(3) The study of the Constitution shall be part of the curricula in all schools.

(4) All educational institutions shall aim to inculcate love of country, teach the duties of citizenship, and develop moral and scientific, technological, and vocational efficiency.

(5) The State shall maintain a system of free public elementary education and, in areas where finances permit, establish and maintain a system of free public education at least up to the secondary level.

(6) The State shall provide citizenship and vocational training to adult citizens and out-of-school youth, and create and maintain scholarships for poor and deserving students.

(7) Educational institutions other than those established by religious orders, mission boards and charitable organizations, shall be owned solely by citizens of the Philippines, or corporations or associations sixty per centum of the capital of which is owned by such citizens. The control and administration of educational institutions shall be vested in citizens of the Philippines. No educational institution shall be established exclusively for aliens, and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this sub-section shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

(8) At the option expressed in writing by the parents or guardians, and without cost to them and the government, religion shall be taught to their children or wards in public elementary and high schools as may be provided by law.

SECTION 9. (1) The State shall promote scientific research and invention. The advancement of science and technology shall have priority in the national development.

(2) Filipino culture shall be preserved and developed for national identity. Arts and letters shall be under the patronage of the State.

(3) The exclusive right to inventions, writings and artistic creations shall be secured to inventors, authors, and artists for a limited period. Scholarships, grants-in-aid, or other forms of incentives shall be provided for specially gifted citizens.

SECTION 10. It shall be the responsibility of the State to achieve and maintain population levels most conducive to the national welfare.

SECTION 11. The State shall consider the customs, traditions, beliefs, and interests of national cultural communities, in the formulation and implementation of state policies.

SECTION 12. The State shall establish and maintain an integrated national police force whose organization, administration, and operation shall be provided by law.

SECTION 13. (1) The armed forces of the Philippines shall include a citizen army composed of all able-bodied citizens of the Philippines who shall undergo military training as may be provided by law. It shall keep a regular force necessary for the security of the State.

(2) The citizen army shall have a corps of trained officers and men in active duty status as may be necessary to train, service, and keep it in reasonable preparedness at all times.

SECTION 14. The Batasang Pambansa shall establish a central monetary authority which shall provide policy direction in areas of money, banking, and credit. It shall have supervisory authority over the operations of banks and exercise such regulatory functions as may be provided by law over the operations of finance companies and other institutions performing similar functions. Until the National Assembly shall otherwise provide, the Central Bank of the Philippines operating under existing laws, shall function as the central monetary authority.

SECTION 15. The separation of church and state shall be inviolable.

SECTION 16. The State may not be sued without its consent.

Article XVI AMENDMENTS

SECTION 1. (1) Any amendment to, revision of, this Constitution may be proposed by the Batasang Pambansa upon a vote of three-fourths of all its Members, or by a constitutional convention.

(2) The Batasang Pambansa may, by a vote of two-thirds of all its Members, call a constitutional convention or, by a majority of all its Members, submit the question of calling such a convention to the electorate in an election.

SECTION 2. Any amendment to, or revision of, this Constitution shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not later than three months after the approval of such amendment or revision.

Article XVII TRANSITORY PROVISIONS

SECTION 1. There shall be an interim National Assembly which shall exist immediately upon the ratification of this Constitution and shall continue until the Members of the regular National Assembly shall have been elected and shall have assumed office following an election called for

the purpose by the interim National Assembly. Except as otherwise provided in this Constitution, the interim National Assembly shall have the same powers and its Members shall have the same functions, responsibilities, rights, privileges and disqualifications as the regular National Assembly and the Members thereof.*

SECTION 2. The Members of the interim National Assembly shall be the incumbent President and Vice-President of the Philippines, those who served as President of the Nineteen hundred and seventy-one Constitutional Convention, those Members of the Senate and the House of Representatives who shall express in writing to the Commission on Election within thirty days after the ratification of this Constitution their option to serve therein, and those Delegates to the Nineteen hundred and seventy-one Constitutional Convention who have opted to serve therein by voting affirmatively for this Article. They may take their oath of office before any officer authorized to administer oath and qualify thereto, after the ratification of this Constitution.

SECTION 3. (1) The incumbent President of the Philippines shall initially convene the interim National Assembly and shall preside over its sessions until the interim Speaker shall have been elected. He shall continue to exercise his powers and prerogatives under the Nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution until he calls for the interim National Assembly to elect the interim President and the interim Prime Minister, who shall then exercise their respective powers vested by this Constitution.

(2) All proclamations, orders, decrees, instructions and acts promulgated, issued, or done by the incumbent President shall be part of the law of the land, and shall remain valid, legal, binding, and effective even after lifting of martial law or the ratification of this Constitution, unless modified, revoked or superseded by subsequent proclamations, orders, decrees, instructions, or other acts of the incumbent President, or unless expressly and explicitly modified or repealed by the regular National Assembly.

SECTION 4. The interim Prime Minister and his Cabinet shall exercise all the powers and functions and

* The interim National Assembly is not obsolete, as in its place, the interim Batasang Pambansa was created by Presidential Amendment of the Constitution.

discharge the responsibilities of the regular Prime Minister and his Cabinet, and shall be subject to the same disqualifications provided in this Constitution.

SECTION 5. The interim National Assembly shall give priority to measures for the orderly transition from the presidential to the parliamentary system, the reorganization of the Government, the eradication of graft and corruption, the effective maintenance of peace and order, the implementation of declared agrarian reforms, the standardization of compensation of Government employees, and such other measures as shall bridge the gap between the rich and the poor.

SECTION 6. The interim National Assembly shall re-apportion the Assembly seats in accordance with Section two, Article VIII of this Constitution.

SECTION 7. All existing laws not inconsistent with this Constitution shall remain operative until amended, modified, or repealed by the National Assembly.

SECTION 8. All courts existing at the time of the ratification of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases pending in said courts shall be heard and tried, and determined under the laws then in force. The provisions of the existing Rules of Court not inconsistent with this Constitution shall remain operative unless amended, modified, or repealed by the Supreme Court or the National Assembly.

SECTION 9. All officials and employees in the existing Government of the Republic of the Philippines shall continue in office until otherwise provided by law or decreed by the incumbent President of the Philippines, but all officials whose appointments are by this Constitution vested in the Prime Minister shall vacate their respective offices upon the appointment and qualifications of their successors.

SECTION 10. The incumbent members of the Judiciary may continue in office until they reach the age of seventy years, unless sooner replaced in accordance with the preceding section hereof.

SECTION 11. The rights and privileges granted to citizens of the United States or to corporations or associations owned or controlled by such citizens under the Ordinance appended to the Nineteen hundred and thirty-five Constitution shall automatically terminate on the third day of July, nineteen hundred and seventy-four. Titles to

private lands acquired by such persons before such date shall be valid as against other private persons only.

SECTION 12. All treaties, executive agreements, and contracts entered into by the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations, are hereby recognized as legal, valid and binding. When the national interest so requires, the incumbent President of the Philippines or the interim Prime Minister may review all contracts, concessions, permits, or other forms of privileges for the exploration, development, exploitation, or utilization of natural resources entered into, granted, issued, or acquired before the ratification of this Constitution.

SECTION 13. Any public officer or employee separated from the service as a result of the organization effected under this Constitution shall, if entitled under the laws then in force, receive the retirement and other benefits accruing thereunder.

SECTION 14. All records, equipment, buildings, facilities, and other properties of any office or body abolished or reorganized under this Constitution shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.

SECTION 15. The interim National Assembly, upon special call by the interim Prime Minister, may, by a majority vote of all Members, propose amendments to this Constitution. Such amendments shall take effect when ratified in accordance with Article XVI thereof.

SECTION 16. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite called for the purpose and, except as herein provided, shall supersede the Constitution of nineteen hundred and thirty-five and all amendments thereto.

APPENDIX III

1976 AMENDMENTS TO THE 1973 CONSTITUTION

(1) There shall be in lieu of the interim National Assembly, an interim Batasang Pambansa. Members of the interim Batasang Pambansa which shall not be more than 120, unless otherwise provided by law, shall include the incumbent President of the Philippines, representatives elected from the different regions of the nation, those who shall not be less than eighteen years of age elected by their respective sectors, and those chosen by the incumbent President from the members of the Cabinet. Regional representatives shall be apportioned among the regions in accordance with the number of their respective inhabitants progressive ratio while the sectors shall be determined by law. The number of representatives from each region or sector and the manner of their election shall be prescribed and regulated by law.

(2) The interim Batasang Pambansa shall have the same power and its members shall have the same functions, responsibilities, rights, privileges, and disqualifications as the interim National Assembly and the regular National Assembly and the members thereof (as amended in 1981).

(3) The incumbent President of the Philippines shall, within 30 days from the election and selection of the members, convene the interim Batasang Pambansa and preside over its session until the Speaker has been elected. The incumbent President of the Philippines shall be the Prime Minister and he shall continue to exercise all his powers even after the interim Batasang Pambansa is organized and ready to discharge its functions and likewise he shall continue to exercise his powers and prerogatives under the nineteen hundred and thirty-five Constitution and the powers vested in the President and the Prime Minister under this Constitution.

(4) The President (Prime Minister) and his Cabinet shall exercise all the powers and functions, and discharge the responsibilities of the regular President (Prime Minister) and his Cabinet, and shall be subject only to such disqualifications as the President (Prime Minister) may prescribe. The President (Prime Minister) if he so desires

may appoint a Deputy Prime Minister or as many Deputies as he may deem necessary.

(5) The incumbent President shall continue to exercise legislative powers until martial law shall have been lifted.

(6) Whenever in the judgment of the President (Prime Minister), there exists a grave emergency or a threat or imminence thereof, or, whenever the interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may in order to meet the exigency, issue the necessary decrees, orders, or letters of instructions, which shall form part of the law of the land.

(7) The barangays and sanggunians shall continue as presently constituted but their functions, powers and composition may be altered by law.*

*The power of the President to propose these amendments to the new Constitution was questioned in the Supreme Court et al. vs. Comelec (L-44794), October 12, 1976, and the Supreme Court, speaking through Mr. Justice Ruperto Martin, upheld such Presidential power to amend the Constitution in a state of martial law. Two justices, Justice Claudio Teehankee and Justice Cecilia Munoz-Palma, dissented.

APPENDIX IV

PROCLAMATION 1081
(excerpts)

WHEREAS, the lawless elements having taken up arms against our duly constituted Government and against our people, and having committed and are still committing acts of armed insurrection and rebellion consisting of armed raids, forays, sorties, ambushes, wanton acts of murders, spoilage, plunder, looting, arson, destruction of public and private buildings, and attacks against innocent and defenseless civilian lives and property, all of which activities have seriously endangered and continue to endanger public order and safety and the security of the nation, and acting with cunning and manifest precision and deliberation and without regard to the health, safety and well-being of the people, are now implementing their plan to cause widespread, massive and systematic destruction and paralyzation of vital public utilities and services, particularly water systems, sources of electrical power, communication and transportation facilities, to the great detriment, suffering injury and prejudice of our people and the nation and to generate a deep psychological fear and panic among our people.

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WHEREAS, these lawless elements have to a considerable extent succeeded in impeding our duly constituted authorities from performing their functions and discharging their duties and responsibilities in accordance with our laws and our Constitution to the great damage, prejudice and detriment of the people and the nation:

xxxxxxx

WHEREAS, the rebellion and armed action undertaken by these lawless elements of the Communist and other armed aggrupations organized to overthrow the Republic of the Philippines by armed violence and force have assumed the magnitude of and actual state of war against our people and the Republic of the Philippines;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested upon me by

virtue of the powers vested upon me by Article VII, Section 10, Paragraph (2) of the Constitution, do hereby place the entire Philippines as defined in Article I, Section 1 of the Constitution under martial law and in my capacity as their Commander-in-Chief, do hereby command the Armed Forces of the Philippines, to maintain law and order throughout the Philippines, prevent, or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all the laws and decrees, orders and regulations promulgated by me personally or upon my direction.

In addition, I do hereby order that all persons presently detained, as well as all others who may hereafter be similarly detained for the crimes of insurrection or rebellion, and all other crimes and offenses, committed in furtherance or on the occasion thereof, or incident thereto, or in connection therewith, for crimes against the nation's security and the law of nations, crimes against public order, crimes involving usurpation of authority, rank, title, and improper use of names, uniforms, insignia, crimes committed by public officers, and for such other crimes as a consequence of any violation of any decree, order or regulation promulgated by me personally or promulgated upon my direction shall be kept under detention until otherwise ordered released by me or by my duly designated representative.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of September, in the year of our Lord, nineteen hundred and seventy-two.

FERDINAND E. MARCOS
President

By the President:
ROBERTO V. REYES
Action Executive Secretary
ATTN:

This Proclamation while prepared and signed on the 21st of September was transmitted to the Defense Authorities through Sec. Juan Ponce Enrile on the 22nd of September for implementation upon my clearance. Such clearance for implementation was given at 9:00 p.m., 22nd September after the ambush of Sec. Juan Ponce Enrile at 8:10 p.m. at Wack Wack subdivision, Mandaluyong, Rizal.

FERDINAND E. MARCOS
President
Republic of the Philippines

APPENDIX V

PROCLAMATION NO. 1104

DECLARING THE CONTINUATION OF MARTIAL LAW

XXXXXXX

WHEREAS, pursuant to Presidential Decree No. 86-A, dated January 7, 1973, and Presidential Decree No. 86-B, dated January 7, 1973, the question was posed before the Barangays: Do you want martial law to continue?

WHEREAS, fifteen million two hundred twenty-four thousand five hundred eighteen (15,224,518) voted for the continuation of martial law as against only eight hundred forty-three thousand fifty-one (843,051) who voted against it.

NOW, therefore, I, Ferdinand E. Marcos, President of the Philippines by virtue of the powers in me vested by the Constitution, do hereby declare that martial law shall continue in accordance with the needs of the time and the desires of the Filipino people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

DONE in the city of Manila, this 17th day of January in the year of Our Lord, nineteen hundred and seventy-three.

The therefore clause of the Proclamation No. 2045 reads as follows:

NOW, THEREFORE, I, FERDINAND E. MARCOS, President-Prime Minister of the Philippines by virtue of the powers vested in me by the Constitution, do hereby revoke proclamation 1104 dated January 17, 1973, declaring the continuation of martial law and proclaim the termination of the state of martial law, throughout the Philippines: Provided, That the call to the Armed Forces of the Philippines to prevent or suppress lawless violence, insurrection, rebellion and subversion shall continue to be in force and effect. And, provided that, in the two autonomous regions of Mindanao,

upon the request of the residents thereof, the suspension of the privilege of the writ of habeas corpus shall continue; and in other places the suspension of the privilege of the writ shall also continue with respect to persons at present detained, as well as others who may hereafter be similarly detained for the crimes of insurrection or rebellion, subversion, conspiracy or proposal to commit such crimes, and for all other crimes and offenses committed by them in furtherance or in the occasion thereof or incident thereto or in connection therewith;

General Order No. 8 is also hereby revoked and the military tribunals created pursuant thereto are hereby dissolved. . . .

Pursuant to Article XVII, Section 3, Paragraph (2) of the Constitution, all proclamations, orders, instructions, acts promulgated, issued and done by the incumbent President, constitute part of the law of the land and shall remain valid, legal, binding and effective even after the lifting of martial law unless modified, revoked, suspended or altered by subsequent proclamations, orders, decrees, instructions or other acts of the incumbent President or unless expressly and explicitly modified or repealed by the regular National Assembly or the Batasang Pambansa.

IN WITNESS HEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 17th day of January in the year of our Lord, nineteen hundred and eighty-one.

APPENDIX VI

U.S. CONGRESSIONAL QUARTERLY WEEKLY REPORT

34(36): 2427-2428. September 4, 1976
94th Congress

NATIONAL EMERGENCIES: In an assertion of congressional authority over the executive branch of Congress. Aug. 31 gave final approval to legislation (HR3884-PL94-412) providing for congressional oversight and review of states of national emergency declared by the President.

Under a range of statutes, the President could in times of emergency, assume power to seize property, control the means of production, institute martial law, send troops abroad, restrict travel and take over "extra-ordinary" steps to control an emergency. HR3884 provided for automatic congressional review, every six months, of all future national emergencies and of all presidential actions taken under emergency powers. The Bill also ended the four existing national emergencies, the oldest of which dated back to 1933.

APPENDIX VII

WHAT AQUINO STOOD FOR AND AGAINST*

by Benigno S. Aquino

On July 4, 1946, America fulfilled its pledge and the Republic of the Philippines was born. This republic was a mirror image of the American Republic conceived in 1776.

It was the only republican democracy in all Asia. In fact, it was the first colony to be granted full independence after the Second World War.

For 25 years, the Philippines had the freest press in Asia and perhaps the entire developing world.

Every four years it held presidential elections that saw every incumbent president being booted out of office through the ballot.

Since independence, the Filipinos have had six presidential elections and, in the process, removed from office four incumbent presidents.

Two presidents died in office and only one ever got re-elected to a second term. He was Ferdinand E. Marcos, elected for the first time in 1965 and re-elected in 1969.

On the seventh year of his non-extendable eight-year term, Marcos declared martial law in an attempt to prolong his stay in power, putting an end to the democratic experiment that started some seven decades earlier at the turn of the century.

It is Marcos' "thesis" that a developing country like the Philippines cannot afford the luxury of bread and freedom. It has to be either bread or freedom. It is his thesis that the democracy passed on to the Filipino people by America is unworkable because it is inefficient and inconvenient.

* This article is adapted from an introduction to The Philippines: Democracy or Dictatorship?, a book which Benigno S. Aquino, Jr., President Marcos' strongest political opponent was writing before he returned to Manila on August 21st and was assassinated. It has been reprinted from the Los Angeles Herald Examiner.

What a Third World developing country needs, he asserts, is a strong "authoritarian" leader who will rule unobstructed by a nagging Congress and a licentious press.

The Philippine saga has yet to end. And the many questions raised by Marcos' Martial-Law regime remain to be answered:

Are democratic institutions as developed in America really unworkable in a Third World developing country?

Can a single man, no matter how well-meaning, solve all the ills of 48 million people?

Is "authoritarianism" a mere euphemism for one-man rule? Is dictatorship the answer for struggling, developing states?

A number of Filipinos refuse to accept that democracy cannot be made to work in the Philippines. These Filipinos hold that there is no substitute for the democratic institutions introduced and encouraged by Americans in the Philippines since 1898.

The battle being fought in the Philippines is between those who have been mesmerized by the "efficiency" of authoritarianism and those who still hold that democracy with all its flaws and inefficiency is man's best hope for betterment and progress. Man's sense of justice makes democracy possible, and man's injustice makes it necessary.

APPENDIX VIII

SPEECH AQUINO PLANNED TO DELIVER



[Following is the text of a statement that Philippine opposition leader, Benigno S. Aquino, Jr., had written and planned to deliver to supporters gathered for his arrival at the Manila airport, according to family spokesman. It was distributed by his sister, Lupita Kashiwara, after he was shot and killed on his arrival at the airport.]

I have returned on my free will to join the ranks of those struggling to restore our rights and freedom through nonviolence.

I seek no confrontation; I only pray and will strive for a genuine national reconciliation founded on justice.

I am prepared for the worst, and have decided against the advice of my mother, my spiritual advisor, many of my tested friends and a few of my most valued political mentors.

A death sentence awaits me. Two more subversion charges, both calling for death penalties, have been filed since I left three years ago and are now pending with the courts.

"I Feel It Is My Duty"

I could have opted to seek political asylum in America, but I feel it is my duty, as it is the duty of every Filipino, to suffer with his people especially in time of crises.

I never sought nor have I been given any assurance or promise of leniency by the regime. I return voluntarily, armed only with a clear conscience and fortified in the faith that in the end justice will emerge triumphant.

According to Ghandi, the willing sacrifice of the innocent is the most powerful answer to insolent tyranny that has yet been conceived by God and man.

Three years ago, when I left for an emergency heart bypass operation, I hoped and prayed that the rights and freedoms of our people would soon be restored, that living conditions would improve and that bloodletting would stop.

"We Have Moved Backward"

Rather than move forward, we moved backward. The killings have increased, the economy has taken a turn for the worse and the human-rights situation has deteriorated.

During the martial-law period, the Supreme Court heard petitions for habeas corpus. It is most ironic after martial law has allegedly been lifted, that the Supreme Court last April ruled it can no longer entertain petitions for habeas corpus for persons detained under a Presidential Commitment Order, which covers all so-called national security cases and which, under present circumstances, can cover almost anything.

"A Limit to His Patience"

The country is far advanced in her times of trouble. Economic, social and political problems bedevil the Filipino. These problems may be surmounted if we are united. But we

can be united only if all the rights and freedoms enjoyed before September 21, 1972, are fully restored.

The Filipino asked for nothing more, but will surely accept nothing less, than all the rights and freedoms guaranteed by the 1935 constitution--the most sacred legacies from the founding fathers.

Yes, the Filipino is patient, but there is a limit to his patience. Must we wait until that patience snaps? The nation-wide rebellion is escalating and threatens to explode into a bloody revolution. There is a growing cadre of young Filipinos who have finally come to realize that freedom is never granted; it is taken. Must we relive the agonies and the bloodletting of the past that brought forth our republic or can we sit down as brothers and sisters and discuss our differences with reason and goodwill?

I have often wondered how many disputes could have been settled easily had the disputants only dared to define their terms.

"I Shall Define My Terms"

So as to leave no room for misunderstanding, I shall define my terms:

(1) Six years ago, I was sentenced to die before a firing squad by a military tribunal whose jurisdiction I steadfastly refused to recognize. It is now time for the regime to decide. Order my immediate execution or set me free.

I was sentenced to die for allegedly being the leading Communist leader. I am not a Communist, never was, and never will be.

(2) National reconciliation and unity can be achieved but only with justice, including justice for our Moslem and Ifugao brothers. There can be no deal with a dictator. No compromise with dictatorship.

(3) In a revolution, there can really be no victors, only victims. We do not have to destroy in order to build.

(4) Subversion stems from economic, social and political causes and will not be solved by purely military solutions: it can be curbed not with ever increasing repression but with a more equitable distribution of wealth, more democracy and more freedom.

(5) For the economy to get along once again, the working man must be given his just and rightful share of his labor, and to the owners and managers must be restored the hope where there is so much uncertainty, if not despair.

On one of the long corridors of Harvard University are carved in granite the words of Archibald Macleish:

"How shall freedom be defended? By arms when it is attacked by arms; by truth when it is attacked by lies, by democratic faith when it is attacked by authoritarian dogma. Always, and in the final act, by determination and faith."

I return from exile and to an uncertain future with only determination and faith to offer--faith in our people and faith in God.

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