

The Philippine Government

Structures and Powers

DIFFERENT BRANCHES OF THE PHILIPPINE GOVERNMENT

The structure of the Philippine government is divided into three branches:

- the Legislative Department (Article 6);
- the Executive Department (Article 7); and
- the Judicial Department (Article 8).

THE PRINCIPLE OF SEPARATION OF POWERS

The powers of the government, by virtue of this principle are divided into three (3) distinct classes: the legislative, the executive and the judicial. They are distributed, respectively among the legislative, executive, and judicial branches or departments of the government.

Under the principle of co-equal and coordinate powers among the three (3) branches, the officers entrusted with each of these powers are not permitted to encroach upon the powers confided to the others. If one department goes beyond the limits set by the Constitution, its acts are null and void. The adoption of this principle was motivated by the belief that arbitrary rule would result if the same person or body were to exercise all the powers of the government.

PRINCIPLE OF CHECKS AND BALANCES

The three co-equal departments are established by the constitution in as balanced positions as possible. To maintain this balance or to restore it if upset, each department is given certain powers with which to check the others.

Checks by the President	Checks by the Congress	Checks by the Judiciary
<ul style="list-style-type: none"> - may veto or disapprove bills enacted by the Congress (Sec. 27:1) - through pardoning power, he may modify or set aside the judgments of courts (Art. VII, Sec 19) 	<ul style="list-style-type: none"> - Congress may override the veto of the President (Sec. 27:1) - Reject certain appointments of the President (Art. VII, Sec. 16) - Revoke the proclamation of martial law or suspension of the writ of habeas corpus by the President (Art. VII, Section 18) - Amend or revoke the decision of the Court by the enactment of a new law or by an amendment of the old - The power to impeach the President and the members of the Supreme Court. 	<ul style="list-style-type: none"> - the Supreme Court as the final arbiter may declare legislative measures or executive acts unconstitutional (Art. VIII, Sec 4:2) - determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Congress or President (Art. VIII, Sec. 2:2)

QUALIFICATIONS OF THE OFFICIALS OF THE NATIONAL GOVERNMENT

PRESIDENT AND VICE-PRESIDENT	CONGRESS	SUPREME COURT
<ul style="list-style-type: none"> - natural-born citizen of the Philippines - a registered voter - able to read and write - at least forty (40) years of age on the day of the election - a resident of the Philippines for at least ten (10) years immediately preceding the election. 	<p>SENATORS</p> <ul style="list-style-type: none"> - a natural born citizens of the Philippines - at least 35 years of age on the day of the election - able to read and write - a registered voter - a resident of the Philippines for not less than two (2) years immediately preceding the day of the election <p>HOUSE OF REPRESENTATIVES</p> <ul style="list-style-type: none"> - a natural-born citizen of the Philippines - at least 25 years of age on the day of the election - able to read and write - except for a party-list representative, a registered voter in the district in which he shall be elected - a resident thereof for a period of not less than one year preceding the election <p>ADDITIONAL QUALITICATION FOR PARTY-LIST REPRESENTATIVES:</p> <ul style="list-style-type: none"> - a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, 	<ul style="list-style-type: none"> - he must be a natural-born citizen of the Philippines - he must be at least forty (40) years of age - he must have, for fifteen (15) years or more, been a judge of a lower court or engaged in the practice of law in the Philippines - he must be a person of proven competence, integrity, probity and independence.

COMPOSITION

EXECUTIVE DEPARTMENT	LEGISLATIVE DEPARTMENT	JUDICIAL DEPARTMENT
<p>President – Chief Executive Vice President Cabinet Officials</p>	<p>SENATE – 24 Currently the Philippine Senate is composed of 23 Senators HOUSE OF REPRESENTATIVES – not more than 250 members including the Party-list Representatives District Representatives – 80% Party-list Representatives -20% Currently there are 285 members of the House of Representatives 229 – District representatives 56 – Sectoral Representatives</p>	<p>SUPREME COURT -composed of fifteen members 1 Chief Justice 14 Associate Justice</p>

TERMS OF OFFICE

EXECUTIVE DEPARTMENT	LEGISLATIVE DEPARTMENT	JUDICIAL DEPARTMENT
<p>President – 1 term of 6 years without re-election</p> <p>Vice President – 2 consecutive terms allowed with 6 years per term</p>	<p>SENATE – 2 consecutive terms allowed with 6 years per term</p> <p>DISTRICT AND PARTY-LIST REPRESENTATIVES - 3 consecutive terms allowed with 3 years per term</p>	<p>NO TERM LIMIT – but they mandated to hold office during good behavior until they reach the age of 70 or become incapacitated to discharge the duties of their office.</p>

EXERCISES

The following are the Powers of the Government. Identify whether these powers are exercised by the President, Congress or by the Judiciary.

1. Police Power
2. The Power of Eminent Domain
3. The power to determine whether there has been a grave abuse of discretion lack or excess of jurisdiction of any branch or instrumentality of the government
4. The power to appoint government officials
5. The Power of Taxation
6. The power to choose who shall become President in case of tie
7. The power to commute sentence, grant pardon, reprieve and amnesty
8. The power to impose death penalty
9. The power to determine the validity and constitutionality of the laws of the State
10. The power to impeach
11. The power to ratify the treaty
12. The power to declare martial law
13. The power to settle actual controversies involving rights which are legally demandable and enforceable
14. The power to act as a constituent assembly
15. The power to declare the existence of war
16. The power to confirm the appointments of government officials
17. The power to veto a law
18. The power of supervision and control over the local government
19. The power to conduct investigation in aid of legislation
20. The power to conduct treaty and international agreement with other states

POWERS OF THE GOVERNMENT

THE LEGISLATIVE BRANCH

Congress (Article 6)

1. THE POWER TO ENACT LAWS
2. Police Power
3. Power of Eminent Domain
4. Power of Taxation
5. The power to choose who shall become President in case of tie (Section 4, par.4)
6. The power to impose death penalty (Art. 3, Sec 19)
7. The power to act as a constituent assembly (Art. XVII, section 1)
8. The power to declare the existence of war (Section 23)
9. The power to confirm the appointments of government officials (Section 19)
10. The power to ratify treaty (Art. 7, Section 21)
11. The power to conduct investigation in aid of legislation (Section 21)
12. Immunity from arrest for offenses punishable by not more than six years imprisonment (Section 11)
13. The power to appropriate money (Section 24 & 25)
14. The power to impeach (Art. XI, Sec. 2)

IMPEACHMENT

Impeachment has been defined as a method of national inquest into the conduct of public men. It is essentially in the nature of a criminal prosecution before a quasi-political court, instituted by a written accusation called “articles of impeachment” upon a charge of the commission of a crime or some official misconduct or neglect.

PURPOSE OF IMPEACHMENT

Its purpose is to protect the people from official delinquencies or malfeasances. It is, therefore, primarily intended for the protection of the state, not for the punishment of the offender. The penalties attached to impeachment are merely incidental to the primary intention of protecting the people as a body politic.

OFFICIALS REMOVABLE BY IMPEACHMENT

1. The President and Vice-president
2. The Members of the Supreme Court
3. The members of the Constitutional Commissions
4. The Ombudsman

GROUNDNS FOR IMPEACHMENTS

- Culpable violation of the Constitution
- Treason
- Bribery
- Graft and Corruption
- Betrayal of Public Trust
- Other High Crimes

POWERS OF THE GOVERNMENT

THE EXECUTIVE BRANCH

President (Article 7)

1. THE POWER TO IMPLEMENT LAWS
2. Administrative Power and control over the agencies of the governments(Section 17)
3. The power to appoint government officials (Section 16)
4. The power to commute sentence, grant pardon, reprieve and amnesty (Section 19)
5. The power to declare martial law (Section 18)
6. The power to suspend the privilege of writ of habeas corpus (Section 18)
7. The power to veto a law (Art. 6, Section 7)
8. The power of supervision and control over the local government (Art. X, Section 4)
9. The power to conduct treaty and international agreement with other states (Section 21)

POWERS OF THE GOVERNMENT

THE JUDICIAL BRANCH

The Supreme Court (Article 8)

1. THE POWER TO INTERPRET LAWS
2. THE POWER OF JUDICIAL REVIEW.
 - a. The power to determine whether there has been a grave abuse of discretion lack or excess of jurisdiction of any branch or instrumentality of the government (Sec. 4, par. 2)
3. ADJUDICATORY POWERS (Section 1, par. 2)
 - a. The power to determine the validity and constitutionality of the laws of the State
 - b. The power to settle actual controversies involving rights which are legally demandable and enforceable
4. Assign temporarily judges of lower courts to other stations as public interest may require
5. Order the change of venue or place of trial to avoid a miscarriage of justice
6. Appoints all officials and employees of the Judiciary in accordance with the Civil Service Law