

National Territory

Anything within the **12 nautical mile area** is Philippine territory, which means that anyone or anything within that zone is subject to Philippine laws. Philippine territory ends past the 12th nautical mile.

Under International Law, up to **200 nautical miles** is its **Exclusive Economic Zone**

Archipelago: from the Greek word pelagos, meaning “sea” or “part of a sea studded with islands”. It includes both sea and land which geographically may be considered as an independent whole.

Territorial Sea - part of the sea extending 12 nautical miles (19 km) from the low watermark. Also known as “marginal sea”, and “marine belt”.

The seabed (sea floor or sea bottom): land that holds the sea, lying beyond the sea shore, including mineral and natural resources.

Subsoil: refers to everything beneath the surface soil and the seabed including mineral and natural resources.

Insular Shelves: submerged portion of a continent or offshore island, which slope gently seaward.

Declaration of Principles and State Policies

The Philippines is a **democratic** and **republican** State.

Democracy: a form of government in which the people have the authority to deliberate and decide legislation ("direct democracy"), or to choose governing officials to do so ("representative democracy").

Republican State: a state in which political power rests with the public and their representatives, in contrast with a monarchy.

Right of People to Revolt: People as the ultimate judges of their destiny, can resort to revolution as a matter of right.

International Laws: refers to the body of rules and principles which govern the relations of nations and their respective people in their intercourse with one another.

Armed Forces of the Philippines: protector of the People and the State. The goal is to secure the sovereignty of the State and the integrity of the national territory.

Supremacy of Civilian Authority over the Military

1. **Inherent in a republican system:** the idea of the supremacy of civilian authority. The highest of such authority is the President.

2. **Safeguard against military dictatorship:** a civilian, the President is the commander in chief of all armed forces of the Philippines.

Military and Civil Defense by the People

1. **Defense of State performed by the people:** the duty of the government and the people to defend the State, cannot be performed except through an army.
2. **Compulsory:** citizens may be compelled to render personal military or civil service.
3. **Civil Service:** refers to any service for the defense of the State other than as soldiers, like as workers in ammunition factories
4. **Personal:** one cannot render the service required through another. The service must be "personal".
5. **By Law:** the phrase "under conditions provided by law" is intended to prevent arbitrariness on the part of certain officials to require military or civil service.

Role of women in nation building

1. Proven capabilities of Filipino women
2. Expansion of women's role
3. Equality of men before the law

Equal access to opportunities for public service

- Limitation of the term of office
- Prohibition of political dynasties
- Prohibition constitutionally mandated

Foreign Policy: the basic direction underlying the conduct by a state or its affairs vis-à-vis those of other States.

Foreign policy shapes a country's approach to global affairs, while **international law** provides a legal framework within which states operate and interact.

Social Justice: The state must give preferential attention to the welfare of the less fortunate members of the community.

Bill of Rights

May be defined as a declaration and enumeration of a person's rights and privileges which the constitution designed to protect against violations by the government or by an individual or group of individuals

Classes of Rights

- **Natural Rights:** Rights possessed by every citizen without being granted by the state for they are given to man by God as a human being created to his image.
- **Constitutional Rights:** Rights which are conferred by the Constitution.
- **Statutory Rights:** Rights which are provided by laws by the law-making body and consequently may be abolished by the same body.

Classification of Constitutional Rights

- **Political Rights:** Gives the citizen the power to participate directly or indirectly.
- **Civil Rights:** Rights that the law enforces. Includes the rights to due process and equal protection of the law.
- **Social and Economic Rights:** Includes the right which is intended to ensure the well-being and economic security of the individual.
- **Rights of the Accused:** Civil rights intended for the protection of the person accused of any crime. Like the right to presumption of innocence.

Due Process of Law: a law or a policy that hears before it condemns, a principle of fair play.

Aspects of Due Process of Law

- **Procedural Due Process:** refers to the method or manner by which the law is enforced.
- **Substantive Due Process:** requires that the law itself not merely the procedure by which the law would be enforced is fair, reasonable, and just.

Procedural Due Process

1. Judicial Proceedings Requisite

- An impartial court clothed by law with authority to hear and determine the matter before it
- Jurisdiction lawfully acquired over the person of the defendant or property which is the subject matter of the proceedings
- Opportunity to be heard given the defendant
- Judgment to be rendered after lawful hearing

2. Administrative Proceedings: notice and hearing may be dispensed with, where because of public need or for practical reasons, the same is not feasible.

Substantive Due Process: Law requires that the law in question affecting life, liberty, or property be a valid law.

Liberty: denotes merely freedom from physical restraint. It also embraces the rights of man to use his faculties with which he has been endowed by his Creator.

Search Warrant: an order of writing issued in the name of the people of the Philippines, signed by a judge and directed to a peace officer commanding him to search for certain personal property and bring it before the court.

Warrant of arrest: to arrest a person designated and to take him into custody in order that he may be bound to answer for the commission of an offense.

Requisites for a valid search warrant or warrant of arrest

- Must be issued upon probable cause
- Probable cause must be determined personally by the judge himself
- Such determination of the existence of probable cause must be made after examination by the judge of the complainant and the witnesses he may produce
- Must particularly describe the place to be search and the person or things to be seized

Probable cause: such facts and circumstances antecedent to the issuance of the warrant sufficient in themselves to induce a cautious man to rely upon them and act in pursuance thereof.

When search and seizure may be made without a warrant

1. Where there is consent and waiver.
2. Where such is incident to a lawful arrest
3. In the case of contraband or forfeited goods being transported by ship, automobile, or other vehicles,

where the officer making it has reasonable cause for believing that the latter contains them.

4. Where without a search, the possession of the articles prohibited by law is disclosed to plain view or is open to eye and hand.
5. As an incident of inspection, supervision, and regulation in the exercise of police power.
6. Routinary searches that are usually made at the border or at ports of entry in the interest of national security.

When Arrest may be made without warrant:

1. When in his presence, the person to be arrested has committed or attempting to commit an offense.
2. When an offense has in fact just been committed and he has personal knowledge of facts indicating that the person to be arrested has committed it.
3. When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or has escaped while being transferred from one confinement to another.

Freedom of expression: implies the right to freely utter and publish whatever one pleases without previous restraint, and to be protected against any responsibility for so doing as long as it does not violate the law. It also includes the right to circulate what is published.

Scope of Terms of Speech, expression, and press

1. Speech and expression include any form of oral utterances
2. Press covers every sort of publication. Radio and television as an instrument of mass communication are included within the term.

Freedom of expression not Absolute

1. Subject to regulation by the State: it is always subject to some regulation by the State in order that it may not be injurious to the right of the community or society.
2. Subject one to liability when abused. The following may be penalized
 - Anyone who Slanders or Libels
 - Lewd and obscene speech
 - Fighting words
 - Seditious speeches

Right of Assembly: the right on the part of the citizens to meet peaceably for consultation in respect to public affairs.

Right of Petition: right of any person or group of persons to apply, without fear of penalty to the appropriate branch or office of the government for redress of grievances.

Religious Freedom: the right of man to worship God, and to entertain such religious views as an appeal to his individual conscience without dictation or interference by any person or power, civil or ecclesiastical.

Liberty of Abode and Travel: Right of a person to have his home in whatever place chosen by him and thereafter to change it at will, and to go where he pleases without interference from any source.

Limitations of the Liberty of Abode and Travel

- Permissible interference: “except upon lawful order of the court” and except in the national security, public safety, or public health according to law.
- Intervention of the court: note that under the second limitation, a court order is not necessary a person whose liberty of abode is violated may petition for a writ of habeas corpus against another holding him in detention

Writ of Habeas Data: a judicial remedy available to any individual whose right to privacy in life, liberty, or security is violated or threatened by an unlawful act.

Purpose of Writ: by way of regulating the processing of personal information or data about him. Gives the individual the right to find out what information is being kept about.

The right to form an association: is the freedom to organize or to be a member of any group or association, union, or society and to adopt the rules which the members judge most appropriate to achieve their purpose. Grants government employees to form labor unions.

Taxes: are enforced proportional contributions from persons and property levied by the lawmaking body of the State

Obligation of Contract: is the law or duty which binds the parties to perform their agreement according to its terms and intent if it is not contrary to law, morals, good customs, public order or public policy.

Constitutional Rights of the Accused in Criminal Cases

1. Right to adequate legal assistance
2. The right to be informed of his right to remain silent and to have counsel
3. Right against the use of torture, force, violence, threat, intimidation, or any other means which vitiates the free will
4. Right against being held in secret, incommunicado, or similar forms of solitary detention
5. The right to bail and against excessive bail
6. Right to due process of law
7. Right to the presumption of innocence
8. Right to be heard by himself and counsel
9. Right to be informed of the nature and cause of the accusation against him.
10. Right to have a speedy, impartial trial.
11. Right to meet the witnesses face to face
12. Right to have a compulsory process to secure the attendance of witnesses and the production of evidence on his behalf.
13. Right against self-incrimination

14. Right against detention by reason of political beliefs and aspirations

15. Right against excessive fines

16. Right against cruel, degrading, or inhuman punishment

17. Right against the infliction of death

18. Right against double jeopardy

Bail: security required by a court and given for the provisional or temporary release of a person who is in the custody of the law.

Miranda rights: a set of legal rights that are read to individuals in the United States when they are taken into custody by law enforcement officers

Capital Offense: an offense, which under the law existing may be punishable by “reclusion perpetua”, life imprisonment, or death.

Arraignment: a formal court proceeding where an individual, who has been accused of a crime, appears before a judge.

Writ of habeas corpus: Order issued by the court directed to the person detaining another, commanding him to produce the body of the prisoner at a designated time and place. May be suspended by the president in case only of invasion or rebellion when public safety requires it.

Purpose of the writ: To inquire into all manner of involuntary restraint or detention as distinguished from voluntary and to relieve a person therefrom if such restraint is found illegal.

Writ: order from the court requiring a person detaining another to show cause for detention,

Writ of Amparo: a special writ that prohibits respondents from using the defense of simple denial. Can be invoked by the families of victims of extrajudicial killings, and enforced disappearances when the right to life, liberty, or security of a person is violated or threatened.

Right against Self-incrimination: no person shall be compelled to be a witness against himself which may expose him to criminal liability.

Debt: any liability to pay money arising out of a contract, express or implied. Refers to Civil or contractual debt or one not arising from a criminal offense.

Estafa: is a criminal offense where you a person can be imprisoned for non-payment of debt

Poll Tax: tax of a fixed amount imposed on individuals residing within a specified territory, whether citizens or not.

Right against double jeopardy: When a person is charged with an offense, and the case is terminated either by acquittal or conviction, the latter cannot again be charged with the same or identical offense.

Classes of Double Jeopardy

1. **For the same offense** - the protection is against double jeopardy for the same offense and not the same act, provided that he is charged with a different offense.
2. **For the same act** - double jeopardy of punishment for the same act.

Ex Post-Facto Law: An ex post facto law is one which operates retrospectively:

1. Makes an act done before the passage of law
2. Aggravates crimes or makes them greater than when it was committed
3. Changes the punishment and inflicts a greater punishment than what the law annexed to the crime when committed
4. Alters the legal rules of evidence, and receives less testimony than what the law required at the time of the commission of the offense, in order to convict the offender.

Bill of Attainder: a legislative act which inflicts punishment without a judicial trial, if the punishment is less than death, the act is called **Bill of Pains and Penalties**.

Citizenship

Citizen: a person having the title of citizenship. He is a member of a democratic community that enjoys full civil and political rights.

Citizenship: a term denoting membership of a citizen in a political society.

Subject: citizen of a member of a democratic community who enjoys full civil and political rights. In a monarchal state, he is called a “subject”.

Alien: a citizen of a country who is residing in or passing through another country. He is popularly called a “foreigner”.

General ways of acquiring citizenship

- Involuntary Method: by birth, because of blood relationship by place of birth.
- Voluntary Method: by naturalization, except in the case of collective naturalization of the inhabitants of a territory which takes place when it is ceded by one State to another as a result of conquest or treaty.

Citizens by birth

- **Jus Sanguinis:** Citizenship is mainly acquired through a blood relationship with Filipino Citizens

- **Jus Solis:** Citizenship is acquired through being born in the territory of a state. Commonly referred to as birthright citizenship.

Naturalization: The act of formally adopting a foreigner into the political body of the state and clothing him with the rights and privileges of citizenship.

Ways of acquiring citizenship by Naturalization

1. **By judgment of the court:** the foreigner who wants to become a Filipino must apply for Naturalization with the proper Regional Trial Court
2. **By direct act of Congress:** our law-making body simply enacts an act directly conferring citizenship on a foreigner.
3. **By administrative proceedings** - under R.A.No.9139 (January 8, 2001) known as the “Administrative Naturalization Law of 2000”, aliens born and residing in the Philippines may be granted citizenship by administrative proceedings by a special committee on Naturalization.

Kinds of Citizen under the Constitution

1. **Natural born citizens:** who at the moment of their birth are already citizens of the Philippines - do not have to perform any act to acquire their Filipino Citizenship
2. **Citizen at the time of adoption of the new Constitution:** refers to those who are considered

citizens of the Philippines under the 1973 Constitution at the time of the adoption of the new constitution.

3. **Citizen through election:** refers to those born to Filipino mothers before Jan. 17, 1973, who upon reaching the age of majority, elect Philippine citizenship after the ratification of the 1973 Constitution.
4. **Naturalized citizens:** refers to those who were originally citizens of another country but who, by an intervening act(naturalization), have acquired new citizenship in a different country.

Loss of citizenship

1. Voluntarily - it is called **expatriation**
 - By naturalization in a foreign country
 - By express renunciation of citizenship
 - By subscribing to an oath of allegiance to a foreign country
 - By rendering service to or accepting a commission in the armed forces of a foreign country
2. Involuntarily
 - By cancellation of his certificate of naturalization by court
 - Having been declared by a competent authority, a deserter of the Philippine Armed forces in the time of war

Reacquisition of lost Philippine Citizenship

1. By naturalization, provided the applicant possesses none of the disqualifications provided in the naturalization law.
2. By repatriation of deserters of the Philippine armed forces and women who lost their citizenship by reason of marriage to an alien, after termination of their marital status.
3. By direct act of the Congress of the Philippines.

Repatriation: is effected by merely taking the necessary oath of allegiance to the Republic of the Philippines and registering the same in the proper civil registry.

Dual Allegiance: refers to the continued allegiance of naturalized nationals to their mother country even after they have acquired Filipino Citizenship.

Dual Citizenship: refers to the possession of two citizenships by an individual, that of his original citizenship and that of the country where he became a naturalized citizen.

Suffrage

Scope of Suffrage

1. **Election:** means by which the people chose their officials.
2. **Plebiscite:** the direct vote of all the members of an electorate on an important public question such as a change in the constitution.
3. **Referendum:** a general vote by the electorate on a single political question that has been referred to them for a direct decision.
4. **Recall:** a power reserved to the voters that allow the voters, by petition, to demand the removal of an elected official.
5. **Initiative:** the power of the people to propose amendments to the Constitution or to propose and enact legislation through an election called for the purpose.

Persons disqualified to vote

1. Any person who has been sentenced by final judgment to suffer imprisonment by not less than 1 yr.
2. Any person who has been adjudged by final judgment by a competent court of having committed any crime involving disloyalty, rebellion, sedition, etc.
3. Insane or incompetent person declared by a competent authority.

Principle of Checks and Balances

- Constitutional provisions authorize a considerable amount of encroachment or checking by one department in the affairs of the other.
- Principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power

Checks by the Three Branches of the Government

• President

1. The president may veto or disapprove bills enacted by Congress.
2. He may modify or set aside the judgments of courts through his pardoning power.

• Congress

1. Congress may override the veto of the President.
2. Reject certain appointments of the President.
3. Revoke the proclamation of martial law or suspension of the privilege of the writ of habeas corpus by the President.
4. Amend or revoke decisions of the courts (by the enactment of a new law or by an amendment of the old, giving it such meaning and interpretation as to wipe out the effect of such decisions).

5. Congress has the power to define, prescribe, and apportion the jurisdiction of the various courts.
6. Prescribe the qualifications of judges of lower courts.
7. Determine the salaries of the President and Vice-President, the members of the Supreme Court, and judges of the lower courts.
8. Impeach the President and members of the Supreme Court.

• Judiciary

1. The final arbiter may declare legislative measures or executive acts unconstitutional.
2. “Determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part” of Congress or the President.

Legislative Branch

Article VI of the 1987 Philippine Constitution has 32 sections.

Legislative power: essentially the authority under the Constitution to make laws and subsequently, when the need arises, to alter and repeal them.

Law: refers to statutes which are the written enactments of the legislation governing the relations of the people among themselves or between them and the government and its agencies.

Congress of the Philippines

- the legislature of the Philippines.
- A bicameral legislature consisting of the Senate and the House of Representatives.
- **Collegial:** a governmental entity marked by power or authority vested equally in each of a number of colleagues

Batasang Pambasa: the unicameral legislature of the 1973 constitution

Advantages of bicameralism

1. A second chamber (Senate) is necessary to serve as a check to hasty and ill-considered legislation.
2. It serves as a training ground for future leaders

3. It provides a representation of both regional and national interests
4. A bicameral legislature is less susceptible to bribery and control of big interests
5. It is the traditional form of legislative body dating from ancient times; as such, it has been tested and proven in the crucible of human experience

Disadvantages of bicameralism

1. The bicameral setup has not worked out as an effective “fiscalizing” or counter-check machinery
2. Although it affords a double consideration of bills, it is no assurance of better-considered and better-deliberated legislation
3. It produces duplication of efforts and serious deadlocks in the enactment of important measures with the Conference Committee of both Houses, derisively called the “third chamber” practically arrogating unto itself the power to enact a law under its authority to thresh out differences
4. All things being equal, it is more expensive to man than a unicameral legislature
5. The prohibitive cost of senatorial elections has made it possible for only wealthy individuals to make it to the Senate, and as to the claim that a Senate is needed to provide a training ground for future leaders, two (2) of our Presidents became chief executives even if their service was confined to the House of Representatives.

Scope of Legislative Power of Congress

1. **Plenary or General:** a grant of legislative power means the grant of all legislative power for all purposes of civil government.
2. **Legislative powers not expressly delegated deemed granted:** the delegated power of our Congress is broader than the legislative power of American Congress

Classification of the Powers of Congress

1. **General Legislative Powers:** the power to enact laws intended as rules of conduct to govern the relationship between individuals and the State.
2. **Specific Power:** powers which the Constitution expressly directs or authorizes Congress to exercise like the power to choose who shall become President in case two or more have the highest or equal number of votes to confirm certain appointments by the President.
3. **Implied Power:** These are those essential or necessary to the effective exercise of the powers expressly granted. Like the power to conduct inquiry and investigation in aid of legislation to punish contempt and to determine the rules of its proceedings.
4. **Inherent Power:** powers that are possessed and can be exercised by every government because they exist as an attribute of sovereignty.

Senate

- The upper house of Congress of the bicameral legislature of the Philippines
- Composed of **24 Senators**, which are elected during the National Elections
- Half of the Senators (12) are elected, every three (3) years to ensure that the Senate is maintained a continuous body.

Senators

- **Six years** per term that commence at noon on the 30th day of June
- Maximum of **two** consecutive terms but can run again after a break.

Qualifications of Senators

1. Natural-born citizen
2. At least 35 years old at the age of election
3. Able to read and write
4. A resident of the Philippines for not less than two years immediately preceding the day of the election.

President of the Senate of the Philippines: Migz Zubiri

- 3rd highest official in the Philippine Government

President pro tempore: Loren Legarda

Majority Leader: Joel Villanueva

Minority Leader: Koko Pimentel

Current Senators

2019 - 2025	2022 - 2028
Sonny Angara	Alan Peter Cayetano
Nancy Binay	JV Ejercito
Pia Cayetano	Francis Escudero
Ronald dela Rosa	Jinggoy Estrada
Bong Go	Win Gatchalian
Lito Lapid	Risa Hontiveros
Imee Marcos	Loren Legarda
Koko Pimentel	Robin Padilla
Grace Poe	Raffy Tulfo
Bong Revilla	Joel Villanueva
Francis Tolentino	Mark Villar
Cynthia Villar	Migz Zubiri

Registered Voter: one who has all the qualifications for a voter and non of the disqualifications provided by law and who has registered himself in the list of voters.

Trapo: short for traditional politicians with long years of political life who are perceived by the people to be corrupt and power-hungry.

House of Representatives

- The lower house of Congress of the bicameral legislature of the Philippines.
- Composed of not more than **250 Representatives (80% are District Representatives and 20% are Party-lists representatives.**
- Also known as **Kamara**

Congressmen/Congresswomen

- **Three years** per term that commence at noon on the 30th day of June
- Maximum of **three** consecutive terms but can run again after a break.

Qualifications of Congressmen

1. Natural-born citizen
2. At least 25 years old at the age of election
3. Able to read and write
4. Except for party-list representatives, A registered voter in the district in which he shall be elected
5. A resident thereof for a period of not less than one (1) year preceding the day of the election

Speaker: Martin Romualdez

- 4th highest official in the Philippine Government

Senior Deputy Speaker: Gloria Macapagal Arroyo

As of 22, there are **9 Deputy Speaker**

For senators and representatives, the salary ranges from **P273,278 to P312,902**. But if they get appointed to a higher position, such as Senate President and House Speaker, their income will vary from **P325,807 to 374,678**.

Kinds of Election for Members of Congress

1. **Regular Election:** it shall be held on the second Monday of May.
2. **Special Election:** it may be called in case a vacancy arises in the Senate or House of Representatives to fill such vacancy in the manner prescribed by the Law.

Immunity of the Members of Congress

1. **Freedom from arrest:** Members of Congress are free from being arrested while Congress is in session
2. **Freedom from being questioned for speech and debate**

When Immunity can be invoked

1. The offense by reason of which the arrest is made is punishable by more than six (6) years imprisonment.
2. Congress is no longer in session.

When immunity cannot be claimed

1. The member is not acting as a member of Congress
2. The member is being questioned in Congress itself

Sessions of Congress

1. **Regular Session:** The Congress shall convene(assemble, come together) once every year on the **fourth Monday of July**.
2. **Special Session:** It takes place when the President calls Congress, during the time that it is in recess, to a session to consider such subjects or legislations as he may designate.
3. **Executive Session:** Secret meetings of Congress or any of its committees. A closed session is held if the issue to be discussed involves national security.

Recess: Refers to the period of time when the regular sessions of Congress are temporarily suspended.

Functions of Senate President and House Speaker

1. Preside over their sessions
2. Preserve order and decorum
3. Decide all questions of order
4. Sign acts, resolutions, orders, and warrants
5. Issue subpoenas
6. Appoint personnel and discipline them

Quorum: such a number of the members of an assembly or collective body as is competent to transact its business.

Rules of Procedure: these are the rules made by any legislative body to regulate the mode and manner of conducting its business.

Legislative Journal: defined as the official record of what is done and passed in a legislative assembly.

Prohibitions of the Members of Congress

1. No Senator or member of the House of Representatives may personally appear as counsel before any court of justice or before the Electoral Tribunals, or quasi-judicial and other administrative bodies
2. 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, or its subsidiary, during his term of office.
3. He shall not intervene in any matter before any office of the Government for his pecuniary benefit or where he may be called upon to act on account of his office.
4. No Senator or Member of the House of Representatives may hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including

government-owned or controlled corporations or their subsidiaries, during his term without forfeiting his seat.

5. Neither shall he be appointed to any office which may have been created or the emoluments thereof increased during the term for which he was elected.

Benefits of the Members

1. A Senator or Member of the House of Representatives shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the Congress is in session.
2. No member shall be questioned nor be held liable in any other place for any speech or debate in Congress or in any committee thereof.
3. Salaries

Bill: a draft of a law submitted to the consideration of a legislative body for its adoption.

Statute: the written will of the legislature as an organized body expressed according to the form necessary to constitute it into a law of the State, the term “act” is often used in referring to a statute.

Laws: refers to the statutes which are the written enactments of the legislature governing the relations of the people among themselves or between them and the government and its agencies.

The Function of Laws

1. Define the rights and duties of citizens
2. Imposes Taxes
3. Appropriate Funds
4. Defines Crimes and provides for their punishment
5. Creates and abolishes government offices
6. Determines their jurisdiction and functions
7. Regulates human conduct and the use of property for the promotion of the common good.

Format Parts of Law

1. **Title:** Announces the subject matter of the act.
2. **Preamble:** Follows the title and precedes the enacting clause.
3. **Enacting clause:** It serves as a formal means of identifying the legislative body that enacts the law.
4. **Body:** Portion containing the proposed law or statute itself
5. **Effectivity clause:** portion providing for the time when the law shall take effect. A law takes effect in 15 days following the completion of its publication in the official gazette.

Steps in the passage of Bill

1. First Reading
2. Referral to appropriate committee
3. Second Reading
4. Debates

5. Printing and distribution
6. Third Reading
7. Referral to the other House
8. Submission to joint bicameral committee
9. Submission to the President

When the bill may become a law

1. When the President approves the bill by signing it.
2. When he vetoes the bill and returns the same with his objections to the House where it originated, and the same is repassed over his veto by a vote of two-thirds of all the members of both Houses
3. If the President does not communicate his veto of any bill to the House where it originated within 30 days after the date of receipt thereof, in which case it shall become a law as if he had signed it.

Resolution: defined as a formal expression of opinion, will, or intent by an official body or assembled group.

Initiative: It is the reserved power of the people to directly propose and enact laws at polls called for the purpose independently of Congress or of a local legislative body.

Referendum: It is the process by which any act or law or part thereof passed by Congress or by a local legislative body is submitted to the people for their approval or disapproval.

Commission on Appointments

Senate Electoral Tribunal: a constitutional body created under Sections 17 and 19 of Article VI of the 1987 Philippine Constitution. It is mandated by the Constitution to decide on all contests pertaining to the election, returns, and qualifications of the Members of the Senate.

The House of Representatives Electoral Tribunal (HRET): the sole judge of all contests relating to the election, returns, and qualifications of the Members of the House of Representatives.

The Congress, by a **vote of two-thirds** of both Houses in joint session assembled, voting separately, shall **have the sole power to declare the existence of a state of war**.

Executive Branch

Executive Power: defined as the power to administer the laws, which means carrying them into practical operation and enforcing their due observance.

President

- The president's monthly income is roughly **P411,382 to P423,723**.
- 6 years term which shall begin at 12 noon on June 30
- President shall not be eligible for re-election.
- A person who succeeded as President and has served for more than four years will be not qualified for re-election.

Vice President

- Same qualifications and terms as the president
- The vice president's monthly income is roughly **P325,807 to P374,678**. Same as the Senate President and Speaker.
- Vice President can only serve for two successive terms

Qualifications of President and Vice President

1. He is a natural-born citizen of the Philippines
2. He is a registered voter
3. He is able to read and write
4. He is at least 40 years of age on the day of the election

5. He is a resident of the Philippines for at least 10 years immediately preceding such election

Powers of the President

1. **Executive power**
2. **Power of appointment**
3. **Power of removal**
4. **Power of control**
5. **Military powers**
6. **Pardoning power**
7. **Borrowing power**
8. **Diplomatic power**
9. **Budgetary power**
10. **Informing power**
11. **Other powers**

When Vice President shall act as President

1. If the President-elect fails to qualify.
2. If a president shall not have been chosen.
3. In case of a temporary inability or incapacity of the President to discharge his powers and duty.

Presidential Line of Succession

1. **Vice President:** in cases of the death, disability, or resignation of the President
2. **Senate President:** in cases of the death, disability, or resignation of the President and Vice President

3. **Speaker of the House of Representatives:** in cases of the death, disability, or resignation of the President, Vice President, and Senate President

Duties of the Vice President

1. According to the constitution, the vice president may concurrently assume a cabinet position should the President of the Philippines offer the former one. The vice president will become a secretary concurrent to the position of vice president.
2. Aside from the cabinet post, the vice president is mandated to assume the presidency in case of the death, disability, or resignation of the incumbent President.

Whenever there is a vacancy in the Office of the **Vice-President**, the President shall nominate a Vice-President from **among the Members of the Senate and the House of Representatives**.

In case of a permanent vacancy in the Offices of both **President and Vice-President**: the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, shall then act as President until the President or Vice-President shall have been elected and qualified.

Appointment: The act of designation by the executive officer, board, or body to whom the power has been delegated, of the individual who is to exercise the functions of a given office.

Kinds of Presidential Appointments

1. Regular appointment: made during the session of the congress
2. Ad interim appointments: those made during a recess of congress

Kinds of Appointment in the career services

1. **Permanent:** issued to a person who meets all the requirements for the position to which he is appointed.
2. **Temporary or acting:** issued to a person who meets all the requirements for the position to which he is being appointed except the appropriate civil service eligibility; it shall not exceed 12 months.

Steps in appointing process

1. **Appointment:** the act of the appointing power
2. **Acceptance:** the act of the appointee. But acceptance is necessary to enable him to have full possession, enjoyment, and responsibility of an office.

Kinds of Acceptance

1. **Expressed:** when done verbally or in writing
2. **Implied:** when, without formal acceptance, the appointee enters upon the exercise of the duties and function of an office

Rule on Nepotism: The president is prohibited during his tenure from appointing his spouse and relatives by consanguinity or affinity with the fourth civil degree to any of the positions mention

Designation: is simply the mere imposition of new or additional duties upon an officer already in the government service. It is different from an appointment.

Removal: The ouster of an incumbent before the expiration of his term of office

Pardon: a form of executive clemency that's granted post-conviction

Reprieve: The postponement of the execution of a death sentence to a certain date

Suspension of a sentence: postponement of a sentence to a certain date.

Commutation: the reduction of the sentence imposed to a lesser punishment from death to life imprisonment. It may be granted without the acceptance and even against the will of the convict.

Kinds of Pardon

1. **Absolute:** it is not subject to any condition whatsoever, it becomes effective when made.
2. **Conditional:** when it is given subject to any condition or qualification the President may see fit.

Limitations of Pardoning Power

1. It may not be exercised for offense in impeachment
2. May be exercised only after conviction by final judgment
3. May not be exercised over civil contempt

4. In case of violation of election law or rules and regulations, no pardon, parole, or suspension of sentence may be granted w/o the recommendation of the Commission on Elections.

Effects of Pardon

1. Removes penalties and disabilities and restores him to his full civil and political rights
2. Does not discharge the civil liability of the convict to the individual he has wronged as the President has no power to pardon a private wrong
3. Does not restore offices, property, or rights vested in others in consequence of the conviction.

Civil Contempt: the failure to do something ordered to be done by a court or a judge for the benefit of the opposing party therein.

Criminal Contempt: conduct that is directed against the dignity and authority of the court and may occur in either criminal or civil actions and special proceedings.

Amnesty: an act of the sovereign power granting oblivion or a general pardon for a past offense usually granted in favor of certain classes of persons who have committed crimes of a political character such as treason, sedition, or rebellion.

Veto: the Latin term for "I forbid" or "deny". It is the power vested in the President to disapprove acts passed by Congress.

Treaty: Compact made between two or more states, including an international organization of states, intended to create binding rights and obligations upon the parties thereto. May be bilateral or multilateral. Also known as a pact, convention, or charter.

Steps in Treaty Making

1. **Negotiation:** in this field, the President alone has the sole authority
2. **Approval or ratification:** as a general rule, no treaty or international agreement shall be valid and effective unless concurred in by at least 2/3 of all the senate members.

State of the Nation Address: a constitutional obligation and yearly tradition, wherein the chief executive reports on the status of the country, unveils the government's agenda for the coming year, and proposes to Congress certain legislative measures.

SONA is held annually on the 4th Monday of July.

Role of the President

1. Chief Executive of the Government
2. Commander-in-chief of the Armed Forces of the Philippines
3. Head of State
4. Head of Government
5. Chief Diplomat

Powers of the President

1. Power of Control over the executive branch

The President of the Philippines has the mandate of control over all the executive departments, bureaus, and offices. This includes restructuring, reconfiguring, and appointments of their respective officials. The Administrative Code also provides for the President to be responsible for the abovementioned offices' strict implementation of laws.

2. Ordinance power

The President of the Philippines has the power to give executive issuances, which are means to streamline the policy and programs of an administration. There are six issuances that the President may issue. They are the following as defined in the Administrative Code of 1987:

Executive orders: Acts of the President providing for rules of a general or permanent character in implementation or execution of constitutional or statutory powers shall be promulgated in executive orders.

Administrative orders: Acts of the President which relate to particular aspects of governmental operations in pursuance of his duties as the administrative head shall be promulgated in administrative orders.

Proclamations: Acts of the President fixing a date or declaring a status or condition of public moment or interest, upon the existence of which the operation of a specific law or regulation is made to depend, shall be promulgated in proclamations which shall have the force of an executive order.

Memorandum orders: Acts of the President on matters of administrative detail, or of subordinate or temporary interest which only concern a particular officer or government office shall be embodied in memorandum orders.

Memorandum circulars: Acts of the President on matters relating to internal administration, which the President desires to bring to the attention of all or some of the departments, agencies, bureaus, or offices of the government, for information or compliance, shall be embodied in memorandum circulars.

General or special orders: Acts and commands of the President in his capacity as commander-in-chief of the Armed Forces of the Philippines shall be issued as general or special orders.

3. Power over aliens: The President of the Philippines has certain powers over non-Filipinos in the Philippines. The powers he may exercise over foreigners in the country are as follows:

1. The chief executive may have an alien in the Philippines deported from the country after due process.
2. The President may change the status of a foreigner, as prescribed by law, from a non-immigrant status to a permanent resident status without the necessity of visa.
3. The President may choose to overrule the Board of Commissioners of the Bureau of Immigration before their decision becomes final and executory (after 30 days of the issuance of the decision). The Board of Commissioners of the Bureau of Immigration has jurisdiction over all deportation cases.
4. The president is also mandated by the Administrative Code of 1987 to exercise powers as recognized by the generally accepted principles of international law.

4. Powers of eminent domain, escheat, land reservation, and recovery of ill-gotten wealth

Power of eminent domain: The President shall determine when it is necessary or advantageous to exercise the power of eminent domain on behalf of the national government, and direct the solicitor general,

whenever he deems the action advisable, to institute expropriation proceedings in the proper court.

Power to direct escheat or reversion proceedings:

The President shall direct the solicitor general to institute escheat or reversion proceedings over all lands transferred or assigned to persons disqualified under the constitution to acquire land.

Power to reserve lands of the public and private domain of the government

1. The president shall have the power to reserve for settlement or public use, and for specific public purposes, any of the lands of the public domain, the use of which is not otherwise directed by law. The reserved land shall thereafter remain subject to the specific public purpose indicated until otherwise provided by law or proclamation.
2. He shall also have the power to reserve from a sale or other disposition and for specific public uses or purposes, any land belonging to the private domain of the government, or any of the friar lands, the use of which is not otherwise directed by law, and thereafter such land shall be used for the purposes specified by such proclamation until otherwise provided by law.

Power over ill-gotten wealth — The President shall direct the solicitor general to institute proceedings to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees.

5. Power of appointment: The President may appoint officials of the Philippine government as provided by the constitution and laws of the Philippines. Some of these appointments, however, may need the approval of the Committee on Appointments (a committee composed of members from the House of Representatives and the Senate of the Philippines).

6. Power of general supervision over local governments: The President of the Philippines, as chief executive, has the mandate to supervise local governments in the Philippines, despite their autonomous status as provided by Republic Act No. 7160 otherwise known as the Local Government Code of 1991. Traditionally, this is done by the **Department of the Interior and Local Government, headed by a cabinet secretary—an alter ego of the President.**

7. Other powers

Aside from the aforementioned powers of the President of the Philippines, he can also exercise powers enumerated in the constitution, and powers given to him by law.

The Cabinet of the Philippines includes **22 executive departments** and the heads of other several other minor agencies and offices that are subordinate to the president of the Philippines.

Cabinet Secretary - also known as an alter ego of the President.

List of Departments and Executive Offices of the Philippine Government

1. Department of Foreign Affairs
2. Department of Finance
3. Department of Justice
4. Department of Agriculture
5. Department of Public Works and Highways
6. Department of Education
7. Department of Labor and Employment
8. Department of National Defense
9. Department of Trade and Industry
10. Department of Migrant Workers
11. Department of Human Settlements and Urban Development
12. Department of Social Welfare and Development
13. Department of Agrarian Reform
14. Department of Environment and Natural Resources
15. Department of the Interior and Local Government
16. Department of Tourism
17. Department of Transportation
18. Department of Science and Technology

19. Department of Budget and Management
20. Department of Energy
21. Department of Information and Communications Technology
22. National Economic and Development Authority
23. Presidential Communications Office
24. Office of the Executive Secretary
25. National Security Council
26. Presidential Management Staff
27. Office of the Solicitor General
28. Office of the Chief Presidential Legal Counsel
29. Presidential Legislative Liaison Office
30. Office of the Special Assistant to the President
31. Office of the Presidential Assistant for the Visayas
32. Office of the Presidential Adviser on Peace, Reconciliation, and Unity

Judicial Branch

Judicial power: is the power and duty of courts of justice to interpret, and to apply the laws (including the Constitution) to contests or disputes concerning legally recognized rights or duties.

The judicial branch enjoys **Fiscal Autonomy**.

The Members of the Supreme Court and judges of lower courts shall be **appointed by the President** from a list of at least **three nominees prepared by the Judicial and Bar Council** for every vacancy

Scope of Judicial Power

1. **Adjudicatory power:** judicial power includes the duty of courts of justice.
2. **Power of judicial review:** also includes the power to:
 - a. pass upon the validity of the constitution
 - b. to interpret them
 - c. render binding judgments
3. **Incidental powers:** includes the incidental powers necessary to the effective discharge of the judicial functions such as the power to punish persons adjudged in contempt.

Organization of Courts

1. **Regular Court**
 - a. **Court of Appeals**
 - b. **Regional Trial Court**

c. Metropolitan Trial Court

2. Special Court

- a. **Sandiganbayan**
- b. **Court of Tax Appeals**

Jurisdiction: the power and authority of the court to hear, try, and decide a case. It may be:

1. **General:** empowered to decide all disputes which may come before it except those assigned to other courts (ex. Jurisdiction of the regional trial court)
2. **Limited:** has the authority to hear and determine only a few specified cases(ex. Jurisdiction of special courts)
3. **Original:** can try and decide on a case presented for the first time. It may be exclusive or concurrent.
4. **Appellate:** can take a case already heard and decided by a lower court and remove from the latter by appeal.
5. **Exclusive:** can try and decide a case that cannot be presented before any other court
6. **Concurrent:** when any two or more courts may take cognizance of a case.
7. **Criminal:** that which exists for the punishment of crime
8. **Civil:** that which exists when the subject matter is not of a criminal nature (ex. Collection of debt)

Supreme Court

- Composed of a Chief Justice and 14 Associate Justices

Sitting Procedure

1. **En banc or in a division:** the Supreme Court may hear and sit cases En banc (i.e. as one body) or in a division of 3, 5, or 7 members.
2. **Number of divisions:** on the basis of 15 members, the number of divisions will be five, composed of 3 members each, 3 composed of 5 members each, or 2, meetings separately.
3. **Decisions of divisions:** by sitting in a division, the Supreme Court increases its capacity to dispose of cases pending before it.

Executive Agreement: agreement entered into by the President on behalf of the Philippines with the government of another country and is effective and binding upon the Philippines even without the concurrence of Congress.

Classification of Executive Agreement

1. Those made purely as executive acts.
2. Those entered into in pursuance of acts of Congress

Qualifications of Supreme Court Justices

1. Must be natural born citizen
2. At least 40 yrs. of age
3. Must have, for 15 yrs. or more, been a judge of a lower court or engaged in the practice of law in the Philippines
4. Must be a person of proven competence, integrity, probity, and independence.

Probity: the quality of having strong moral principles; honesty and decency.

Powers of the Supreme Court

1. Exercise original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, and over petitions for certiorari, prohibition, mandamus, quo warrant, and habeas corpus.
2. Review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in:
 - All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
 - All cases in which the jurisdiction of any lower court is in issue.
 - All criminal cases in which the penalty imposed is reclusion Perpetua or higher.
 - All cases in which only an error or question of law is involved.
 - All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.
3. Assign temporarily judges of lower courts to other stations as public interest may require. The temporary assignment shall not exceed 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. Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

Certiorari: A writ issued from a superior court requiring a lower court or a board or officer exercising judicial functions to transmit the records of the case to the superior court for the purpose of a review.

Mandamus: An order issued by a superior court commanding a lower court or a corporation, board, or person to perform a certain act that it is its or his duty to do.

Quo warranto: An action by the government to recover an office or franchise from an individual or corporation usurping or unlawfully holding it.

Pleading: An act of presenting one's claim, answer, or arguments in defense or prosecution of an action.

Admission of the practice of law or to the Bar: a person is said to be admitted to the Bar or is a member of the Bar when they are authorized by the Supreme Court to practice law in the Philippines. Admittance is usually through passing the Philippine Bar Exam.

Philippine Bar Examination: the professional licensure examination for lawyers in the Philippines.

Qualifications to Take the Philippine Bar Exam

1. Must be a Filipino Citizen
2. At least 21 years of age
3. Of Good Moral Character
4. A resident of the Philippines

In addition to these basic requirements, applicants must also prove that they have

1. Completed four years of high school
2. Earned a four-year bachelor of arts or bachelor of sciences degree
3. Studied law as a postgraduate degree for an additional four years.

Chief Justice Alexander G. Gesmundo

Constitutional Commissions

Independent Constitutional Commissions

1. **Civil Service Commission**
2. **Commission on Elections**
3. **Commission on Audit**
4. **Commission on Human Rights**
5. **Office of the Ombudsman**

Constitutional Commissions enjoy fiscal autonomy to strengthen their independence in the performance of their constitutional functions

Civil Service Commission

Civil Service: refers to the sector of government employment that comprises individuals who are hired based on their qualifications, skills, and abilities rather than through political appointment or election.

Civil Service Commission shall be composed of a **Chairman and two Commissioners**

Qualifications of Members:

1. Natural-born citizens of the Philippines
2. They must be at least 35 years of age at the time of their appointment.
3. Must be persons with proven capacity of public administration

4. They must not have been candidates for any elective position in the elections preceding their appointment.

Appointment and terms of office

1. The members shall be appointed by the **President** with the consent of the **Commission of Appointments**
2. Of those first appointed, the Chairman shall hold office for **seven years**, a Commissioner for **five years**, and another Commissioner for **three years**, without reappointment.
3. In no case shall any Member be appointed or designated in a temporary or acting capacity.

Civil Service Exam: an exam is conducted by the Civil Service Commission (CSC) to determine which individuals are deemed fit to work in public service.

Commission on Elections

Commission on Elections shall be composed of a **Chairman and six Commissioners**

Qualifications of Members:

1. Natural-born citizens of the Philippines
2. They must be at least 35 years of age at the time of their appointment.
3. Holder of a College Degree

4. They must not have been candidates for any elective position in the elections preceding their appointment.

Appointment and terms of office

1. The members shall be appointed by the **President** with the consent of the **Commission of Appointments**
2. Of those first appointed, **three Members shall hold office for seven years, two Members for five years,** and the **last Members for three years**, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor.
3. In no case shall any Member be appointed or designated in a temporary or acting capacity.

The Commission on Elections shall exercise the following powers and functions:

1. Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.
2. Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction or involving elective barangay officials decided by trial courts of limited jurisdiction. Decisions, final orders, or rulings of the Commission

on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

3. Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
4. Deputize, with the concurrence of the President, law enforcement agencies, and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.
5. Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those who seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or who are supported by any foreign government shall likewise be refused registration. Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections, constitute interference in national affairs, and, when

accepted, shall be an additional ground for the cancellation of their registration with the Commission, in addition to other penalties that may be prescribed by law.

6. File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.
7. Recommend to Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidates.
8. Recommend to the President the removal of any officer or employee it has deputed, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision.
9. Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

The election period shall commence **ninety days before** the day of the election and shall end **thirty days thereafter**.

Commission on Audit

Commission on Elections shall be composed of a **Chairman and two Commissioners**

Qualifications of Members:

1. Natural-born citizens of the Philippines
2. They must be at least 35 years of age at the time of their appointment.
3. Certified Public Accountants with not less than ten years of auditing experience or members of the Philippine Bar who have been engaged in the practice of law for at least ten years.
4. They must not have been candidates for any elective position in the elections preceding their appointment.

Appointment and terms of office

1. The members shall be appointed by the **President** with the consent of the **Commission of Appointments**
2. Of those first appointed, the Chairman shall hold office for seven years, one Commissioner for five years, and the other Commissioner for three years, without reappointment
3. In no case shall any Member be appointed or designated in a temporary or acting capacity.

The **Commission on Audit** shall have the **power, authority, and duty** to examine, audit, and settle all accounts pertaining to the revenue 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 with original charters, and on a post-audit basis:

- a. Constitutional bodies, commissions, and offices that have been granted fiscal autonomy under this Constitution
- b. Autonomous state colleges and universities
- c. Other government-owned or controlled corporations and their subsidiaries
- d. Non-governmental entities receiving subsidy or equity, directly or indirectly, from or through the Government, which are required by law or the granting institution to submit to such audit as a condition of subsidy or equity.

However, where the internal control system of the audited agencies is inadequate, the Commission may adopt such measures, including temporary or special pre-audit, as are necessary and appropriate to correct the deficiencies. It shall keep the general accounts of the Government and, for such period as may be provided by law, preserve the vouchers and other supporting papers pertaining thereto.

No law shall be passed exempting any entity of the Government or its subsidiaries in any guise whatever, or any investment of public funds, from the jurisdiction of the Commission on Audit.

The Commission shall submit to the President and the Congress, within the time fixed by law, **an annual report** covering the financial condition and operation of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and non-governmental entities subject to its audit, and recommend measures necessary to improve their effectiveness and efficiency.

Local Government

All Local Government Units are under the **President**.

Local Autonomy: the extent to which local governments have discretion in carrying out their obligations.

Republic Act No. 7160

- Also known as Local Government Code of 1991

Autonomous Region: a first-level administrative division that has the authority to control a region's culture and economy. The Constitution of the Philippines allows for two autonomous regions: the Cordilleras and Muslim Mindanao.

The **President of the Philippines** shall exercise general supervision over local governments.

The organic act of autonomous regions shall provide for legislative powers over

1. Administrative organization
2. Creation of sources of revenues
3. Ancestral domain and natural resources
4. Personal, family, and property relations
5. Regional urban and rural planning development
6. Economic, social, and tourism development
7. Educational policies
8. Preservation and development of the cultural heritage

9. Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.

17 Regions

1. National Capital Region (NCR)
2. Cordillera Administrative Region (CAR)
3. Region I
4. Region II
5. Region III
6. Region IV-A
7. Mimaropa
8. Region V
9. Region VI
10. Region VII
11. Region VIII
12. Region IX
13. Region X
14. Region XI
15. Region XII
16. Region XIII
17. Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

The **Provincial Governor**, as the chief executive of the provincial government, is mandated to exercise powers and perform duties and functions necessary to promote the general welfare of the province and its inhabitants.

Qualifications of a Local Official

1. Citizen of the Philippines
2. A registered voter in the Barangay, municipality, city, or province or, in the case of a member of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sanggunian bayan, the district where he intends to be elected
3. A resident therein for at least one (1) year immediately preceding the day of the election
4. Able to read and write Filipino or any other local language or dialect.

Candidates for the position of governor, vice-governor, or member of the Sangguniang Panlalawigan, or Mayor, vice-mayor, or member of the Sangguniang Panlungsod of highly urbanized cities must be at least **twenty-three (23) years of age in election day.**

Candidates for the position of Mayor or vice-mayor of independent component cities, component cities, and municipalities must be at least **twenty-one (21) years of age on election day.**

Candidates for the position of member of the Sangguniang Panlungsod or Sangguniang Bayan **must be at least eighteen (18) years of age on election day.**

Candidates for the position of Punong Barangay or member of the Sangguniang Barangay **must be at least eighteen (18) years of age on election day.**

Candidates for the Sangguniang Kabataan **must be at least fifteen (15) years of age but not more than twenty-one (21) years of age on election day.**

2023 Philippine barangay and Sangguniang Kabataan elections are scheduled on **October 30, 2023.**

Accountability of Public Officers

Public Office is a public trust: Public officers and employees must at all times be **accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, acts with patriotism and justice, and lead modest lives.**

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

may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft, corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

A vote of at least **one-third** of all the members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee or override its contrary resolution.

The Senate shall have the sole power to try and decide all cases of impeachment.

Sandiganbayan: an anti-graft court. A special appellate collegial court in the Philippines that has jurisdiction over criminal and civil cases involving graft and corrupt practices and other offenses committed by public officers and employees, including those in government-owned and controlled corporations.

Ombudsman: also known as **Tanod-bayan**. An ombudsman is responsible for investigating and prosecuting Philippine government officials accused of crimes, especially graft, and corruption.

Samuel Martires: Current Ombudsman

Office of Ombudsman is composed of

1. Ombudsman
2. One Overall Deputy
3. One Deputy each for Luzon, Visayas, and Mindanao
4. Deputy for the military establishment (Optional)

Office of the Special Prosecutor: was the Tanodbayan before and was replaced by the Office of the Ombudsman. It's now under the Ombudsman.

Ombudsman Act of 1989: Defines the roles and structure of the Office.

The Ombudsman and its subordinates are appointed by the **President of the Philippines** from a list submitted by the **Judicial and Bar Council** for a nonrenewable **seven-year**

term. The Ombudsman can be removed from office only through **impeachment**.

Qualifications of the Ombudsman and his Deputies

1. Natural-born citizens of the Philippines
2. At the time of their appointment, at least forty years old.
3. Must have been a judge or engaged in the practice of law in the Philippines for ten years or more
4. Recognized probity and independence
5. Members of the Philippine Bar
6. Must not have been candidates for any elective office in the immediately preceding election

The Office of the Ombudsman shall have the following powers, functions, and duties:

1. Investigate on its own, or on a complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.
2. Direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency, or instrumentality thereof, as well as of any government-owned or controlled corporation with the original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and

correct any abuse or impropriety in the performance of duties.

3. Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith.
4. Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.
5. Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.
6. Publicize matters covered by its investigation when circumstances so warrant and with due prudence.
7. Determine the cause of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
8. Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

The Office of the Ombudsman enjoys **fiscal autonomy**

A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his **assets, liabilities, and net worth**.

1. The President
2. The Vice-President
3. The Members of the Cabinet
4. The Members of the Congress
5. The Members of the Supreme Court
6. The Members of the Constitutional Commissions and other constitutional offices
7. The Officers of the armed forces with general or flag rank

The declaration shall be disclosed to the public in the manner provided by law.

Statement of Assets, Liabilities, and Net Worth (SALN): a declaration of assets (i.e., land, vehicles, etc) and liabilities (i.e., loans, debts, etc), including business and financial interests, of an official/employee, of his or her spouse, and of his or her unmarried children under 18 years old still living in their parents' households.

Taxation and Taxes

Taxes: the primary source of revenue of the Philippine Government.

Power of Taxation: an inherent power and plenary prerogative of the State, its exercise is only limited by the Bill of Rights enshrined in 1987.

The **Legislative Department** primarily exercises this function.

Principles of a Sound Tax System

1. **Equity:** Taxes must be paid on the basis of an individual's ability to pay. This is the **ability-to-pay principle**.
2. **Certainty:** This mandates that the subjects should know which taxes to pay and the mode of payment
3. **Convenience:** This refers to the ease of paying the imposition.

The Ability-to-pay principle, also known as the ability-to-pay taxation: suggests individuals should contribute to the financing of public goods and services based on their ability to pay.

The **National Internal Revenue Code of 1997** is based on **Republic Act 8424**.

Republic Act 8424: also known as **Tax Reform Act of 1997**

Bureau of Internal Revenue (BIR)

- Responsible for collecting more than half of the total revenues of the government.
- Also known as **Kawanihan ng Rentas Internas**
- Under the Department of Finance

Deputy Commissioner Romeo Lumagui, Jr.: BIR Commissioner

The tax code imposes the following

1. Income Tax
2. Estate and Donor's Tax
3. Value-Added Tax
4. Other percentage taxes
5. Excise Taxes
6. Documentary Stamp Taxes
7. Others

National Taxes

Income Tax: imposed on individuals from their source of living, whether it's a profession, business, trade, or property. A person's income tax is different depending on their income bracket.

Estate Tax: charged when a real state owner passes away, and their lawful beneficiaries decide to transfer land titles to their name at the owner's time of death.

Donor's Tax: imposed on a gift, donation, or any free-of-charge transfer from benefactor to recipients. There are times when the BIR does not charge a donor's tax on a

donation, especially when these are donations for victims of calamities.

VAT (Value-Added Tax): a business tax imposed on sellers and vendors upon the sale of goods, importation, sale of properties, or lease of goods. VAT is considered an indirect tax, and everyone indirectly pays for VAT every time they purchase anything in a retail store.

Percentage Tax: a business tax imposed on business owners who sell or lease goods, services, properties, or services that are not VAT-registered and have a minimum yearly gross sale of PHP 550,000.

Excise Tax is imposed on goods and products under the **Tax Reform for Acceleration and Inclusion Law**. These products include tobacco, liquor, or any drink with added sugars.

Types of Excise Tax

1. **Specific Tax:** refers to the excise tax imposed which is based on weight or volume capacity or any physical unit of measurement.
2. **Ad Valorem Tax:** refers to the excise tax which is based on the selling price and other specified value of goods/articles.

Documentary Tax: a tax imposed on contracts, agreements, certificates, acceptance, sale, assignment, and other legal

documents to prove that a transaction between two parties occurred.

Capital Gains Tax: imposed on a seller or a business when they sell a valuable asset like jewelry, stocks, properties, and other goods considered capital assets or items of high value.

Withholding Tax: The amount withheld from an employee's wage and paid directly to the government for the employee's partial income tax.

Local Taxes

Franchise Tax: a tax imposed on franchise businesses.

Basic Real Property Tax: a tax imposed on agricultural, commercial, industrial, mineral, and residential properties.

Sand, Gravel, and Other Quarry Resources Tax: LGUs can only charge up to 10% of the fair market value per cubic meter of quarry resources like gravel, sand, common stones, earth, and sand taken from public lands or waters.

Business of Printing and Publication Tax: When they are published or printed, these taxes are also taken out of books, posters, pamphlets, cards, tarps, and other printed items.

Annual Fixed Tax for Delivery Trucks and Vans: This tax is imposed on every vehicle that delivers distilled spirits, fermented liquor, food, cosmetics, tobacco, and other products from manufacturers directly or indirectly from the province. Under the law, the annual fixed tax is PHP 550.

Professional Tax: This tax is imposed on lawyers, doctors, architects, or any other profession that requires a board exam or licensure from the government.

Amusement Tax: This tax is imposed on films, theatrical plays, concerts, or any entertainment show. This tax is added to the price of admission and ticket price.

Community Tax (also known as **cedula**): Any person at least 18 years of age can get a Community Tax Certificate to prove that they are a municipality resident.

Barangay Tax: Small businesses like sari-sari stores with a gross sale of PHP 50,000 annually have to pay barangay tax.

Barangay Clearance: This document from the barangay is legal proof that you are allowed to do something or start a business in a certain barangay. Generally, it is also used as proof of identity when dealing with the government or getting a job.

Tax Reform for Acceleration and Inclusion Law: aimed to generate revenue to achieve the 2022 and 2040 vision of the Duterte administration, namely, to eradicate extreme poverty, to create inclusive institutions that will offer equal opportunities to all, and to achieve higher income country status

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Citation: Republic Act No. 10963

Signed by Pres. Duterte: December 19, 2017