



The 1943 Constitution

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PREAMBLE

The Filipino people, imploring the aid of Divine Providence and desiring to lead a free national existence, do hereby proclaim their independence, and in order to establish a government that shall promote the general welfare, conserve and develop the patrimony of the Nation, and contribute to the creation of a world order based on peace, liberty, and moral justice, do ordain this Constitution.

Article I: The Republic of the Philippines

SECTION 1. The Philippines is a republican state. The government established by this Constitution shall be known as the Republic of the Philippines.

SEC. 2. The Republic of the Philippines shall exercise sovereignty over all the national territory as at present defined by law.

Article II: The Executive

SECTION 1. The Executive power shall be vested in the President of the Republic of the Philippines.

SEC. 2. The President shall be elected by a majority of all the members of the National Assembly at the place and on the date to be fixed by law.

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

SEC. 4. The President shall hold office during a term of six years and may not be re-elected for the following term.

SEC. 5. The term of the President shall end at noon on the thirtieth day of December following the expiration of six years after his election, and from such time the term of his successor shall begin. If his successor shall not have been chosen before such time, or if the President-elect shall have failed to qualify, then the outgoing President shall continue in office until his successor shall have been elected and qualified. 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 his office, the same shall devolve on the ranking Minister in the order of precedence established by law until a new President shall have been elected for the unexpired term. In the latter case, the election shall be held within sixty days after such removal, death, resignation, or inability.

SEC. 6. Before assuming the duties 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 Republic 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.)

SEC. 7. The President shall have an official residence and receive such compensation as may be fixed by law which shall neither be 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.

SEC. 8. The President shall have supervision and control of all the ministries, bureaus or offices, all local governments, and all other branches or instrumentalities of the Executive Department, and take care that the laws be faithfully executed.

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

SEC. 10. The President shall appoint the Ministers and Vice-Ministers, and with the advice of his Cabinet, shall appoint ambassadors, diplomatic ministers and consuls, heads of bureaus and offices, officers of the Army from the rank of [colonel, of the Navy and of the Air forces from the rank of] captain or commander, provincial governors, city and municipal mayors, and all other officers of the government whose appointments are not otherwise provided for by law.

SEC. 11. There shall be a Council of State to advise the President on matters of national policy. It shall be composed of not more than twenty members to be appointed by the

President from among citizens who may have rendered distinguished service to the Nation.

SEC. 12. The President, with the concurrence of two-thirds of all the members of the National Assembly, shall have the power to declare war and make peace, and, with the concurrence of a majority of all its members, conclude treaties. He shall receive ambassadors and diplomatic ministers duly accredited to the Republic of the Philippines.

SEC. 13. The President shall have the power to grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction, for all offenses, 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 National Assembly.

SEC. 14. The President shall from time to time give to the National Assembly information of the state of the nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

Article III: The Legislature

SECTION 1. The Legislative power shall be vested in the National Assembly.

SEC. 2. The National Assembly shall be composed of the provincial governors and city mayors as members ex-officio and of delegates to be elected every three years, one from each and every province and chartered city. The date and manner of their election and the method of filling vacancies shall be prescribed by law, which shall not be subjected to change or modification during the Greater East Asia War.

SEC. 3. No person shall be elected to the National Assembly unless he has been five years a citizen of the Philippines, and is at least thirty years of age.

SEC. 4. (1) The National Assembly shall convene in regular session once every year on a date to be fixed by law, but no regular session shall continue longer than sixty days, exclusive of Sundays. It may also be called in special session by the President, for such time as he may determine, to consider general legislation or only such subjects as he may designate.

(2) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. A majority of all the members shall constitute a quorum to do business, but a smaller number may meet from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the National Assembly may provide.

(3) The National Assembly shall be the sole judge of the election, returns and qualifications of its elective members, and may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member. It 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 its members present, be entered in the journal.

SEC. 5. The Speaker and members of the National Assembly shall receive such compensation as may be fixed by law, exclusive of traveling expenses to and from their respective province or cities in attending the sessions of the National Assembly. The National Assembly shall not have the power to increase the compensation of its Speaker and its members during their term of office.

SEC. 6. The members of the National Assembly shall be privileged from arrest during their attendance at the sessions of the National Assembly, and in going to and returning from the same, except when they commit a crime in which the penalty fixed by law is death or imprisonment or more than twelve years; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 7. (1) The President shall submit within ten days of the opening of each regular session of the National Assembly a budget of receipts and expenditures which shall be the basis of the general appropriation bill.

(2) If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills shall be deemed to be reappropriated for the several objects and purposes therein specified, so far as the same may be done in the judgment of the President, until the general appropriation bill shall have been approved.

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

SEC. 8. The Ministers, upon their own initiative or upon the request of the National Assembly, may appear before and be heard by the National Assembly on any matter pertaining to their ministries, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 9. (1) No bill which shall have passed the National Assembly shall become a law unless approved by the President. If he approves the same, he shall sign it; but if [it] not, he shall return it with his objections to the National Assembly, which shall enter the objections at large on its journal and may proceed to reconsider and reapprove it by a vote of two-thirds of all its members. In all such cases the votes of the National Assembly shall be determined by yeas and nays and the names of the members voting for and against shall be entered in the journal. If the President should disapprove the bill for the second time, the National Assembly may not during the same session reconsider and repass the bill. 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 National Assembly by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within forty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation, revenue or tariff 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.

SEC. 10. (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 or become a law unless copies thereof in its final form shall have been furnished the members at least three calendar days prior to its passage by the National Assembly, 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 final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

SEC. 11. (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 be appropriated, applied, 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, 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.

SEC. 12. (1) The rule of taxation shall be uniform.

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

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

SEC. 13. In times of war or other national emergency, the National Assembly 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.

SEC. 14. When the National Assembly is not in session, the President may in cases of urgent necessity, promulgate rules and ordinances which shall have the force and effect of law until disapproved by resolution before the end of the next regular session of the National Assembly.

Article IV: The Judiciary

SECTION 1. The Judicial Power shall be vested in the Supreme Court and such inferior courts as may be established by law.

SEC. 2. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its

writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in all cases in which the constitutionality of any law, ordinance, or executive order or regulation is in question, or in which the jurisdiction of any court is in issue or where only errors or questions of law are involved.

SEC. 3. Unless otherwise provided by law, the Supreme Court shall be composed of a Chief Justice and six Associate Justices.

SEC. 4. The members of the Supreme Court shall be appointed by the President with the advice of the Cabinet. All judges of inferior courts shall be appointed by the President with the advice of the Supreme Court.

SEC. 5. No person may be appointed member of the Supreme Court unless he be a citizen of the Philippines, is at least forty years of age and has been a judge of a court of record or has been engaged in the practice of law in the Philippines for at least ten years.

SEC. 6. The National Assembly shall prescribe the qualifications of judges of the inferior courts but no person may be appointed judge of any such courts unless he be a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SEC. 7. The members of the Supreme Court and judges of inferior courts shall hold office during good behavior, until they become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which may not be diminished during their continuance in office except in case of a general revision of salaries of all officials and employees of the government.

SEC. 8. 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 opinion of the court. Any Justice dissenting from a decision shall state the reasons for his dissent.

SEC. 9. No law or executive order, ordinance or regulation may be declared unconstitutional without the unanimous vote of all the members of the Supreme Court.

SEC. 10. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based.

SEC. 11. 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 rights. All existing laws on pleading, practice and procedure are subject to alteration and modification by the Supreme Court.

Article V: Impeachment

SECTION 1. The President and the Justices of the Supreme Court shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The National Assembly, by a vote of two-thirds of all its members, shall have the sole power of impeachment.

SEC. 3. The Supreme Court shall have the sole power to try all impeachments. No person shall be convicted without the concurrence of three-fourths of all the Justices of the Supreme Court.

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

Article VI: Citizenship

SECTION 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippines at the time of the adoption of this Constitution and their descendants.

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

SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

Article VII: Duties and Rights of the Citizen

SECTION 1. It is the duty of every citizen to render personal military and civil service as may be required by law, to pay taxes and public charges, and to engage in a useful calling, occupation or profession.

SEC. 2. 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.

SEC. 3. No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and no religious test shall be required for the exercise of civil or political rights.

SEC. 4. No law impairing the obligation of contracts shall be passed.

SEC. 5. No ex post facto shall be enacted.

SEC. 6. No person shall be imprisoned for debt.

SEC. 7. No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, insurrection, rebellion, or when the public safety so requires.

SEC. 9. Private property shall not be taken for public use without just compensation.

SEC. 10. Free access to the courts or administrative tribunals shall not be denied to any person by reason of poverty.

SEC. 11. Subject to such limitations as may be imposed by law in the interest of peace, morals, health, safety or public security.

(1) The right to be secure against unreasonable searches and seizures shall not be violated.

(2) The privacy of communication and correspondence shall not be invaded.

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

(4) The free enjoyment and practice of religious profession and worship, without discrimination or preference, shall not be curtailed.

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

(6) 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, shall not be abridged.

Article VIII: Conservation and Utilization of Natural Resources

SECTION 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all sources of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, 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 this 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.

SEC. 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 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.

SEC. 3. The National Assembly 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.

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

SEC. 5. 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, or to persons entitled by law [to inherit in case of intestate succession].

Article IX: General Provisions

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

SEC. 2. The government shall take steps toward the development and propagation of Tagalog as the national language.

SEC. 3. There shall be a General Auditing Office to examine, audit and settle all accounts pertaining to the revenues, receipts, expenditures of funds and properties of the government, its subdivisions and instrumentalities, as well as of such persons or institutions as may be provided by law.

SEC. 4. 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.

SEC. 5. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 6. No public officer or employee shall receive additional or double compensation unless specifically authorized by law.

SEC. 7. Public officers and employees shall not be engaged in the practice of any profession during their continuance in office; nor shall they, directly or indirectly, intervene in the management or control of any private enterprise which in any way may be affected by the functions of their office, or be financially interested in any contract with the government, or any subdivision or instrumentality thereof.

SEC. 8. The promotion of social justice to insure the well-being and economic security of all the people shall be the concern of the State.

SEC. 9. The State shall promote scientific research and invention. 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.

SEC. 10. 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 national education, and shall provide at least free public elementary instruction, and citizenship training to adult citizens. All schools, colleges, and universities shall aim to develop moral character, personal and collective discipline, civic conscience, and vocational skill, secure social efficiency, and teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 11. 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.

SEC. 12. 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.

SEC. 13. 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 such 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 National Assembly when the public interest so requires.

SEC. 14. The National Assembly 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.

Article X: Amendments

SECTION 1. The National Assembly, by a vote of two-thirds of all its members, may propose amendments to this Constitution, but such amendments shall not be valid as part of the Constitution unless approved by the people at a plebiscite or convention especially called for that purpose and on the date and under conditions to be prescribed by law.

Article XI: Transitory Provisions

SECTION 1. This Constitution shall be ratified by the people at a plebiscite or convention especially called for that purpose. The manner of holding such plebiscite or convention shall be provided by law.

SEC. 2. The first National Assembly shall convene at the place and on the date fixed by law, and immediately after its organization shall elect the President of the Republic of the Philippines.

SEC. 3. The existing executive departments of the Philippine Executive Commission shall continue as Ministries of the Republic until the National Assembly shall by law provide otherwise.

SEC. 4. All laws of the Philippines shall continue in force until the inauguration of the Republic; thereafter, such laws shall remain operative unless inconsistent with this Constitution, until amended, altered, modified or repealed by the National Assembly, and all references in such laws to the government or officials of the Philippines or of the Philippine Executive Commission shall be construed, in so far as applicable, to refer to the government and corresponding officials under the Republic.

SEC. 5. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, except in so far as it may be inconsistent with the provisions of this Constitution, until otherwise provided by law in accordance with this Constitution; but all cases, civil and criminal, pending in said courts shall be heard, tried and determined under the laws [then in force].

SEC. 6. All officers and employees of the government under the Philippine Executive Commission shall continue in office until the National Assembly 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.

SEC. 7. The prohibitions and limitations provided for in this Constitution, notwithstanding, the President of the Republic of the Philippines may enter into an agreement with any foreign nation for the utilization of natural resources and the operation of public utilities, which agreement shall expire upon the termination of the Greater East Asia War.

SEC. 8. All property rights and privileges acquired by any person, entity or corporation, since the outbreak of the Greater East Asia War, shall be subject to adjustment and settlement upon the termination of the said war.

SEC. 9. The provisions of this Constitution, except those contained in this Article and those which refer to the election and qualification of officers to be elected under this Constitution, shall not take effect until the inauguration of the Republic of the Philippines.

Article XII: Special Provisions

SECTION 1. Within one year after the termination of the Greater East Asia War, the National Assembly shall by law provide for the election by popular suffrage of delegates to a Constitutional Convention, which shall meet not later than sixty days after their election in order to formulate and adopt a new Constitution which shall become effective upon its approval by the people at a plebiscite to be held for the purpose. After such approval the National Assembly shall forthwith provide for the election of the officers under the new Constitution and the inauguration of the government established thereunder.

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