

# **THE PHILIPPINE CONSTITUTION**

LESSON 14

# **CONSTITUTION**

➤ Is defined as the fundamental law of a nation or state. It is the constitution that establishes the character and basic principles of the government. The system that runs the government is often codified in this written document, which forms the fundamental rules and principles by which an organization is managed. These same principles make clear the rights of the individual and create limitations to government power. A constitution is also described as “the highest expression of the law”.

The purposes of a constitution is as following:

1. It prescribes the kind of government that will exist in the state.
2. It creates the different departments and specifies their respective functions and duties.
3. It is the source of the sovereign powers of a government by establishing the fixed, first or basic principles.
4. It promotes public welfare. The constitution establishes the rights of the people, which the government is obligated to protect.

# The History of the Philippine Constitutions

## The Biak-na-Bato Republic Constitution (1897)

The Philippine Revolution reached a stalemate in 1897 when the revolutionary forces of General Emilio Aguinaldo fled to the mountains of Biak-na-Bato in San Miguel de Mayumo, Bulacan. An assembly of Filipino rebel leaders were called and it was agreed that a republican form of government would be formed. Two Filipinos, Isidoro Artacho and Felix Ferrer, were tasked to write a constitution. Both decided to adopt the provisions of the constitution framed in Jimaguayu, Cuba, and from this, the Constitution of Biak-na-Bato was formulated.

The Constitution was promulgated by the Philippine Revolutionary Government on November 1, 1897, and became the provisional constitution of the government during the revolution against Spain.

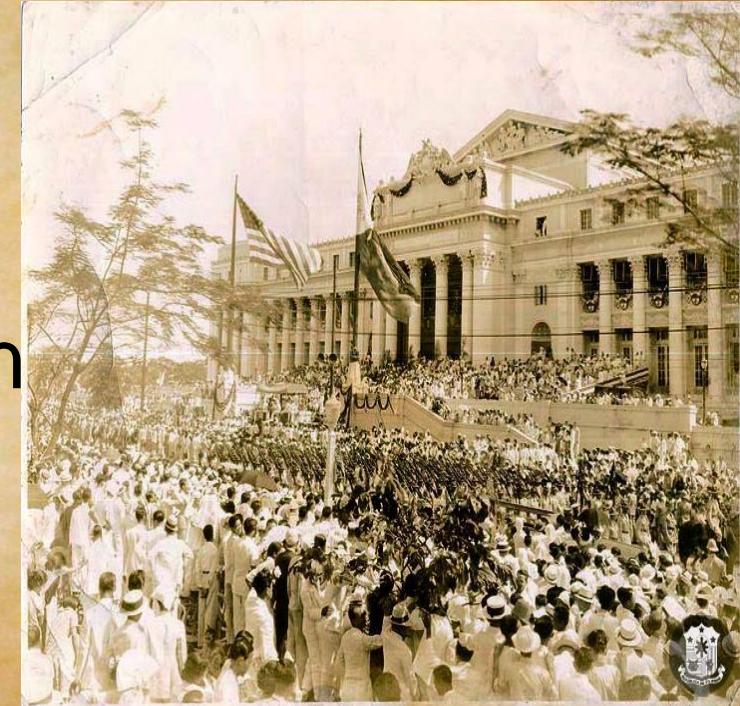
# The Malolos Republic Constitution (1899)

The Political Constitution of 1899, informally known as the Malolos Constitution, was the constitution of the First Philippine Republic. It was written by Felipe Calderón y Roca and Felipe Buencamino as an alternative to a pair of proposals to the Malolos Congress by Apolinario Mabini and Pedro Paterno. After a lengthy debate in the latter part of 1898, it was promulgated on January 21, 1899.



# The 1935 Constitution and the Commonwealth Government

The 1935 Constitution of the Philippines served as the fundamental law of the land from 1935 to 1972. It established the Commonwealth of the Philippines and provides that upon withdrawal of American sovereignty in the country and the declaration of Philippine independence, the Commonwealth shall be known as the Republic of the Philippines.



## **The Japanese Occupation and the Second Philippine Republic (1943 Constitution)**

The 1943 Constitution was basically a condensed version of the 1935 Constitution, consisting only of a preamble and 12 articles. It was transitory in nature as it was only effective during the duration of the war. It created a Republic with three offices (executive, legislative, and judicial) but owing to the war, no legislature was convened. Instead, the powers of government were concentrated with the President. The Bill of Rights basically enumerated the citizen's duties and obligations rather than their constitutional rights, and Tagalog was declared the national language.

The 1943 Constitution was recognized as legitimate and binding only in Japanese-controlled areas of the Philippines but was ignored by the United States government and the Philippine Commonwealth government-in-exile. It was eventually abolished along with the Second Republic upon the liberation of the Philippines by American forces in 1945 and the re-establishment of the Commonwealth in the Philippines.

# The 1973 Constitution and the Marcos Dictatorship

- On June 1, 1971, a Constitutional Convention was convened at the Manila Hotel. Its purpose was to write a new constitution that would meet the new challenges confronting the Philippine Republic that developed since it was formed in 1946. It was during the second term of President Ferdinand Marcos that the convention opened.
- On January 17, 1973, President Marcos signed Proclamation No. 1102, declaring the 1973 Constitution ratified.
- The 1973 Constitution provided for a parliamentary form of government in which the President was the symbolic head of and the Prime Minister was the head of government. The Prime Minister, who was nominated by the President, acted as head of the Cabinet.
- Legislative power was vested in the Batasang Pambansa. The constitution also provided for the establishment of the Civil Service Commission, the Commission on Elections, and the Commission on Audit.

# The Freedom Constitution (1986)

On March 24, 1986, President Aquino signed Proclamation No. 3 entitled "Declaring a National Policy to Implement the Reforms Mandated by the People, Protecting their Basic Rights, Adopting a Provisional Constitution, and Providing for an Orderly Transition to a Government under New Constitution." The provisional constitution, later called the "Freedom Constitution," was proclaimed, setting aside the 1973 Constitution thereby recognizing the new Aquino administration as a temporary revolutionary government until the framing of a new constitution. It basically adopted some provisions of the 1973 Constitution, especially the Bill of Rights.

Under the Freedom Constitution, the President continued to exercise legislative powers until a legislature was convened under a new constitution. Furthermore, the President was given the power to appoint the members of a Constitutional Commission tasked to draft a new charter "truly reflective of the ideals and aspirations of the Filipino people."

# The 1987 Constitution

- By virtue of Sec. 1, Article 5 of the Freedom Constitution, President Aquino issued on April 23, 1986 Proclamation No. 9, constituting a Constitutional Commission (CONCOM) charged with drafting a new constitution not later than September 2, 1986. In line with this issuance, President Aquino, on May 26, 1986, appointed the 50 CONCOM members representing the various sectors of society from politics to the arts and religion.
- On February 11, 1987, the New Constitution was proclaimed ratified and in effect. On that same day, President Aquino, government officials, and the military pledged allegiance to the New Constitution.

The 1987 Constitution consists of 18 articles with a preamble. The complete provisions are as the follows:

- Preamble
- Article I: National Territory
- Article II: Declaration of Principles and State Policies
- Article III: Bill of Rights
- Article IV: Citizenship
- Article V: Suffrage
- Article VI: Legislative Department
- Article VII: Executive Department
- Article VIII: Judicial Department
- Article IX: Constitutional Commissions
- Article X: Local Government
- Article XI: Accountability of Public Officers
- Article XII: National Economy and Patrimony
- Article XIII: Social Justice and Human Rights
- Article XIV: Education, Science and Technology, Arts, Culture, and Sports
- Article XV: The Family
- Article XVI: General Provisions
- Article XVII: Amendments or Revisions
- Article XVIII: Transitory Provisions

**The End**

**Thank You**