



Due Process and Equal Protection

K.Y. Enriquez

Due Process

- ◊ What is the 1987 Constitution?
- ◊ What is the Bill of Rights?
 - ◊ Can only be invoked against the State.
- ◊ What is due process?
- ◊ Person
 - ◊ Natural – all aspects
 - ◊ Artificial/Juridical Persons - property

- ◊ Deprivation
- ◊ Life, Liberty, Property
- ◊ Substantive Due Process
 - ◊ Valid governmental objective (interests of the public)
 - ◊ Lawful manner
 - ◊ Villavicencio v. Lukban (G.R. No. L-14639, March 25, 1919)

◊ Procedural Due Process

- ◊ Impartial and Competent Court
- ◊ Jurisdiction over the subject matter and person of the defendant
- ◊ Defendant must have opportunity to be heard
- ◊ Judgment must be rendered upon a lawful hearing

Equal Protection

- ◆ Definition of Equal Protection

- ◆ All persons or things similarly situated shall be treated alike, both as to rights granted and responsibilities imposed.

- ◆ Person

- ◆ Natural and Artificial

- ◆ Valid Classification

- ◆ Based on substantial distinctions (Int'l School Alliance of Educators vs. Quisumbing, Department of Education vs. San Diego, Garcia vs. Drilon, Biraogo vs. Philippine Truth Commission, Ang Ladlad LGBT Party v. COMELEC)

◆ Valid Classification (con't)

- ◆ Germane to the purpose of the law (Garcia vs. Drilon, Yrasuegui vs. Philippine Airlines)
- ◆ Must not be limited to current conditions (Ormoc Sugar Company Inc., vs. Treasurer of Ormoc City)
- ◆ Must apply to all persons or things belonging to the same class (Ormoc Sugar Company Inc., vs. Treasurer of Ormoc City)

End

Thank you and study well.