Raymond JNC Cruz 2/27/2014

POS100 – A Long Test 3

Constitutional Provision and Application of the Philippine Bill of Rights

The Philippine Bill of Rights[[1]](#footnote-1) is located in Article III in the 1987 Constitution of the Republic of the Philippines. It is composed of 22 sections that provide and protect a person’s rights. The constitutional provisions of the Bill of Rights are effective in such a way that a person reserves his or her rights upon any intrusive action by the government, law enforcement agencies, or any other party.

Section 1 is the most basic right, the right to life, liberty, and property. This basic right is what keeps the people humane. Without this provision, it is perfectly legal to kill, or deprive a citizen of all freedom and belongings.

Sections 2 and 3 provide a citizen’s right to privacy. Section 2 states that a legitimate warrant must be issued and presented first to the citizen before any search or arrest is to be made. Section 3 pertains to citizens’ privacy of communication. The second paragraph of this section states that any evidence used against a citizen which is gained through the violation of this section is invalid and will be dismissed in any proceeding. One supposed violation of this provision is of the procurement of the wiretapped telephone conversation between then-president Gloria Macapagal Arroyo and Election Commissioner Virgilio Garciliano during the investigation concerning the “Hello Garci” electoral scandal of 2004[[2]](#footnote-2). Technically, no such violation is incurred since no trial was held.

Sections 4 to 6 provide a citizen’s personal freedom. Section 4 provides a citizen freedom of speech, expression, and press, as well as the right of the people to peacefully assemble to petition the government to address grievances. Section 5 provides a citizen freedom of religion. Section 6 provides a citizen the right to residence, change of residence, and travel.

Section 7 of the Bill of Rights provides the people’s right to transparency in governance. In this provision, “access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.” This gives the people a viewport through which they can see what the government is currently doing. Any issue relating or leading to relative deprivation and/or politicized dissent can be made known to any citizen by scanning any document that a citizen could access through this provision.

Sections 8 to 10 pertain to citizen’s labor rights. Section 8 provides citizens the right to form labor unions. Section 9 states that “private property shall not be taken for public use without just compensation.” Section 10 prohibits any law which impedes the obligation of contracts to be passed.

Sections 11 to 22 pertain to the restrictions that the judicial branch of the government has concerning the people. In a nutshell, these provisions limit judicial actions against a person without due process.

The provisions of the Bill of Rights are protected by the government and law enforcement agencies. If threatened, a citizen can invoke his or her rights against the other party. Should the other party fail to comply, it is a violation of the citizen’s rights and therefore the other party is subject to law. A citizen’s right to information regarding his or her perception of relative deprivation and/or politicized dissent is provided in Section 7, through transparency.

1. http://tagaloglang.com/The-Philippines/Government/philippine-bill-of-rights.html [↑](#footnote-ref-1)
2. Freund, Charles Paul (23 Jun 2005). "Hello Garci?". Reason Magazine. Retrieved 02 Jun 2009. [↑](#footnote-ref-2)