

THE 1987 PHILIPPINE CONSTITUTION

1. History of the Philippine Constitution

a. Malolos Constitution (1899)

- The **Malolos Constitution** was drafted by the Philippine Revolutionary Congress and promulgated on January 21, 1899, under the leadership of Emilio Aguinaldo. It became the constitution of the **First Philippine Republic**.
- **Key Features**
 1. First republican constitution in Asia.
 2. Established the principle that sovereignty resides in the people.
 3. Provided for the separation of executive, legislative, and judicial powers.
 4. Guaranteed certain civil liberties and individual rights.
 5. The legislature was given significant authority over the executive.
- **Significance**
 1. Demonstrated the Filipinos' capacity for self-government.
 2. Served as a symbol of Philippine independence from colonial rule.
 3. Though short-lived due to the Philippine-American War, it laid the foundation for future constitutional development.

b. 1935 Constitution

- The **1935 Constitution** was drafted during the Commonwealth period under American supervision and took effect on November 15, 1935.
- **Key Features**
 1. Established a presidential form of government.
 2. Created three co-equal branches:
 - a. Executive
 - b. Legislative
 - c. Judiciary
 3. Included a comprehensive Bill of Rights.
 4. Initially provided for a unicameral National Assembly, later amended to create a bicameral Congress.
 5. Limited the President to a four-year term (later amended).
- **Significance**
 1. Served as the constitutional framework during the Commonwealth and the early years of independence.
 2. Prepared the Philippines for full independence in 1946.
 3. Reflected strong American constitutional influence.

c. 1973 Constitution

- The **1973 Constitution** was ratified during the administration of Ferdinand Marcos and took effect amid political turmoil and the declaration of Martial Law.

1. Key Features

- a. Shifted the government from a presidential to a parliamentary system.
- b. Created:
 - i. A Prime Minister as head of government.
 - ii. A President as ceremonial head of state.
- c. In practice, President Marcos retained extensive powers.
- d. Several amendments increased executive authority.
- e. Allowed the continuation of Martial Law governance.

2. Significance

- a. Marked a major change in governmental structure.
- b. Became associated with centralized and authoritarian rule.
- c. Reduced the effectiveness of checks and balances.

d. Freedom Constitution (1986)

- Following the peaceful People Power Revolution, President Corazon Aquino issued Proclamation No. 3, known as the **Freedom Constitution**.

• **Key Features**

1. Served as a temporary constitution.
2. Abolished institutions associated with the Marcos regime.
3. Restored civil liberties and democratic freedoms.
4. Allowed the President to exercise revolutionary powers while rebuilding government institutions.
5. Created the Constitutional Commission tasked with drafting a new constitution.

• **Significance**

1. Helped restore democracy after the dictatorship.
2. Provided legal authority during the transition period.
3. Led directly to the drafting of the 1987 Constitution.

e. 1987 Constitution

- The **1987 Constitution** was drafted by the Constitutional Commission appointed by President Aquino and ratified on February 2, 1987.

• **Key Features**

1. Restored the presidential system of government.
2. Re-established the bicameral Congress: Senate and House of Representatives.

3. Strengthened judicial independence.
 4. Expanded the Bill of Rights.
 5. Created constitutional commissions:
 - a. Commission on Elections (COMELEC)
 - b. Commission on Audit (COA)
 - c. Civil Service Commission (CSC)
 6. Limited the President to a single six-year term.
 7. Included provisions on social justice, human rights, accountability, and local autonomy.
- **Significance**
 1. Restored democratic governance.
 2. Strengthened checks and balances.
 3. Remains the supreme law of the Philippines today.

2. Articles of the 1987 Philippine Constitution

- a. The **1987 Philippine Constitution** is the supreme law of the Philippines. It consists of **18 Articles**, each dealing with a specific aspect of government and society.

Article	Title	Main Focus
I	National Territory	Defines the territory of the Philippines.
II	Declaration of Principles and State Policies	Fundamental principles and policies that guide the government.
III	Bill of Rights	Protects the civil and political rights of individuals.
IV	Citizenship	Defines who are Filipino citizens and how citizenship may be acquired or lost.
V	Suffrage	Establishes the right to vote and qualifications of voters.
VI	Legislative Department	Organization, powers, and functions of Congress.
VII	Executive Department	Powers, duties, and qualifications of the President and Vice President.
VIII	Judicial Department	Structure and powers of the courts, including the Supreme Court.
IX	Constitutional Commissions	Establishes the Civil Service Commission, Commission on Elections, and Commission on Audit.
X	Local Government	Organization and autonomy of local government units.
XI	Accountability of Public Officers	Standards of conduct and mechanisms for accountability, including impeachment.
XII	National Economy and Patrimony	Ownership and utilization of natural resources and economic policies.
XIII	Social Justice and Human Rights	Protection of workers, farmers, women, indigenous peoples, and other sectors.

XIV	Education, Science and Technology, Arts, Culture, and Sports	Development and promotion of education and culture.
XV	The Family	Recognition of the family as the foundation of the nation.
XVI	General Provisions	Miscellaneous provisions regarding national symbols and institutions.
XVII	Amendments or Revisions	Procedures for changing the Constitution.
XVIII	Transitory Provisions	Guidelines for implementing the Constitution during the transition period.

3. Constitutional Democracy in the Philippines

- a. A constitutional democracy is a system of government in which the powers of government are limited by a constitution and authority ultimately comes from the people.
- b. The Philippines is a constitutional democracy because:
 - The government derives its authority from the people.
 - Government officials are chosen through elections.
 - Government powers are limited by the Constitution.
 - Citizens' rights are protected by law.
- c. **Key Features**
 - **Popular Sovereignty** - the people are the ultimate source of political power.
 1. Elections
 2. Referendums
 3. Citizen participation in governance
 - **Rule of Law**
 1. The Rule of Law is the principle that no person is above the law and that laws govern a nation rather than individual rulers.
 2. This means government officials, private citizens, and institutions are all subject to the same laws.
 - a. **Core Principles**
 - i. Supremacy of Law - the law is superior to personal authority.
 - ii. Equality Before the Law - everyone receives equal protection and treatment.
 - iii. Due Process - government must follow legal procedures before depriving a person of life, liberty, or property.
 - iv. Independent Judiciary - courts must remain impartial and free from political interference.
 - v. Accountability - public officials can be investigated, prosecuted, or removed for wrongdoing.

- **Separation of Powers** - government power is divided among three branches:
 1. Legislative = Makes Laws
 2. Executive = Enforces Laws
 3. Judiciary = Interprets Laws
- **Checks and Balances** - each branch can limit the powers of the others to prevent abuse.
- **Protection of Rights** - citizens enjoy freedoms guaranteed by the Constitution, especially under Article III (Bill of Rights).
- **Importance**
 1. Constitutional democracy:
 - a. Prevents dictatorship.
 - b. Promotes accountability.
 - c. Protects individual freedoms.
 - d. Encourages citizen participation.

4. Human Rights

- a. These are the fundamental rights and freedoms inherent to all persons regardless of race, gender, religion, nationality, or social status. They are based on the principle that every human being possesses dignity and worth.

- **Categories of Human Rights**

1. **Civil and Political Rights** - protect individuals from government abuse and ensure participation in public affairs.
 - a. Freedom of speech
 - b. Freedom of religion
 - c. Right to vote
 - d. Right to due process
 - e. Freedom of assembly
2. **Economic Rights** - related to livelihood and economic security.
 - a. Right to work
 - b. Right to fair wages
 - c. Right to own property
3. **Social Rights** - promote well-being and quality of life.
 - a. Right to education
 - b. Right to healthcare
 - c. Right to social services
4. **Cultural Rights** - protect cultural identity and heritage.
 - a. Right to practice cultural traditions
 - b. Protection of indigenous cultures

5. Civic Responsibility

- a. Civic responsibility refers to the duties and obligations of citizens to contribute positively to their community, society, and government. Rights and responsibilities go together. Citizens not only enjoy freedoms but also have duties toward the nation.

- **Examples of Civic Responsibilities**

1. **Political Responsibilities**

- a. Voting wisely.
- b. Staying informed about public issues.
- c. Participating in public discussions.
- d. Respecting democratic processes.

2. Legal Responsibilities

- a. Obeying laws.
- b. Paying taxes.
- c. Respecting the rights of others.

3. Social Responsibilities

- a. Volunteering in community activities.
- b. Protecting the environment.
- c. Promoting peace and order.
- d. Helping those in need.

4. Educational Responsibilities

- a. Developing critical thinking.
- b. Being informed about government policies and issues.

Importance of Civic Responsibility:

- Strengthens democracy.
- Encourages active citizenship.
- Promotes accountability in government.
- Helps solve community problems.
- Builds a more responsible and participatory society.