



Republic of the Philippines

POLYTECHNIC UNIVERSITY OF THE PHILIPPINES

Office of the Vice President for Academic Affairs

College of Political Science and Public Administration

Instructional Materials for

GEED 20023 Politics, Governance and Citizenship

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INTRODUCTION

Nowadays, the earth is facing one of the worst health, economic, and political crises it has seen in decades. Majority of the world's populace are now isolated and confined to their homes. In ordinary times, cities are chaotic urban hubs, but they have learned to grip the 'new normal' has shaped on our communities. Considering the need for physical distancing, many activities are postponed and working from home is now a requirement rather than an option.

Despite the pandemic, China was able to launch an integrated scientific research stations in its two man-made islands in the West Philippine Sea. The country has seen protesters staged their concerns under strict quarantine protocols. Nurses and other medical front liners still managed to hold up a sign to protest the lack of protective personal equipment to safeguard themselves and their patients. Poor people beg for food. Employees and supporters of a giant media company cry for freedom of speech and of the press. These are realities that bind us to our very nature – political animal.

Accordingly, it is crucial for every citizen, especially the students, to thrive amidst uncertainties. This Instructional Material is designed to equip them with concepts and dynamics of politics and governance. It will help them understand their rights, as well as their duties and responsibilities as citizens of the Philippines. The discussion on the interplay of politics and governance both in national and international arena; including some issues and challenges facing Philippine government today will raise their awareness as they participate in administering bureaucracy and instill positive attitude towards quality and responsive service to society.

COURSE OUTCOMES

At the end of the course, students are expected to acquire a critical understanding of the following:

1. Analyze and explain the basic concepts, principles, doctrines underlying the existence of the state and government.
2. Discuss the scope, functions and processes of the government.
3. Critically analyze how the different branches of the government are coordinated and separated.
4. Explain how politics and governance shape much of the content of Philippine bureaucratic processes.
5. Examine how governmental processes have responded to the pressing challenges and demands of society
6. Identify their rights and duties as citizens living in a democratic country to be able to meaningfully participate in society.
7. To develop and/or strengthen their sense of nationalism and patriotism.

TABLE OF CONTENTS

Introduction		2
Course Outcomes		3
Table of Contents		4
Weeks 1	Understanding Politics	5
	Quiz No. 1	6
Week 2	A. Concept of State and Government	7
	B. Inherent Powers of State	8
Week 3	Understanding the Philippine Political Culture	9
	Quiz No. 2	10
Week 4	Basic Principles Underlying the 1987 Philippine Constitution	11
Weeks 5 and 6	The Philippine Government and its Separation and Coordination of Powers	
	Part I - Separation of powers, Blending of powers, Checks and balances, and Delegation of powers	14
	Part II - The Legislative (Article VI of the 1987 Philippine Constitution)	15
Week 7	The Philippine Government and its Separation and Coordination of Powers	
	Part III - The Executive (Article VII of the 1987 Philippine Constitution)	19
	Midterm Paper	20
Week 8	The Philippine Government and its Separation and Coordination of Powers	
	Part IV - The Judiciary (Article VIII of the 1987 Philippine Constitution)	21
Week 9	Midterm Examination	23
Week 10	Three Constitutional Commissions	24
Week 11	The Concept of Good Governance	26
	Quiz No. 3	28
Week 12	Accountability of Public Officers	29
Week 13	Citizenship	31
	Quiz No. 4	32
Week 14	The Bill of Rights	33
Week 15	The Formal Structures for Political Participation	34
Week 16	Role of Non-Governmental Organization in Politics and Governance	36
	Final Paper	39
Week 17	Amendments or Revisions	40
Week 18	Final Examination	41
	Course requirements	42
	Basic references	43

Week 1 UNDERSTANDING POLITICS

Politics

A practical science concerned with the noble action or happiness of the citizens (although it resembles a productive science in that it seeks to create, preserve, and reform political systems).

A normative or prescriptive discipline rather than as a purely empirical or descriptive inquiry. - Aristotle

Who gets what, when, and how - Harold Laswell

The art of compromise to achieve **certain ends** - Ernesto Maceda

The capacity to say no to something dangerous and inimical to public interest – Jovito Salonga

Why is this important?

- To achieve certain ends
- Politics tells you how a society must be set up and how one should act within a society.

Purpose: personal, organizational, individual, institutional, governmental, commercial, territorial, and collective.

Is there ethics in politics?

- Yes there is ethics in politics. Human desires, intentions, actions, and commitment for the common good make ethics in politics possible.
- Self-improvement and self-interest achieved not at the expense of the common good and without the cost and peril at others' rights and welfare make ethics in politics real.
- Human are that are within the acceptable standards, practices, and lawful policies make ethics in politics inevitable.
- DIFFERNCE BETWEEN RIGHT AND WRONG

Can politics be avoided?

Is politics dirty?

Is the 'too much politics'?"

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Politics and Governance: Theory and Practice in the Philippine Context. Quezon City: Office of Research and Publications, Ateneo De Manila University, 1-7

Dannug, R. R. (2005). Politics and Governance. C & E Publishing, Inc.

Quiz No. 1 (Reaction Paper)

In preparation for the the discussion on political culture, write a reaction paper on the articles “A Damaged Culture” by James Fallows and “Again, our damaged culture” by Teodoro Benigno.

URL:<https://www.theatlantic.com/magazine/archive/1987/11/a-damaged-culture/505178/>

<https://www.philstar.com/opinion/2001/06/22/101152/again-our-damaged-culture-heres-score-teodoro-c-benigno>

Week 2 | A. CONCEPT OF STATE AND GOVERNMENT

A **state** is a community of persons permanently occupying a definite portion of territory, having a government of their own to which the great body of inhabitants render obedience and enjoying freedom from external control

Elements of State:

- **People** - the inhabitants living within the state
- **Territory** - terrestrial fluvial aerial maritime
- **Government** - the agency through which the will of state is formulated, expressed and carried out.
- **Sovereignty** - the supreme power of the state to command and enforce obedience to its will from people within its jurisdiction and to have freedom from foreign control

State	Nation
Political and legal entity	Ethnic and cultural identity
A community of persons united by laws and regulations with a sovereign government	A group of people united by common origin, history , language, customs, culture and tradition.
Has fixed territory	Does not have a fixed territory
Not subject to external control	May or may not be independent of external control
A single state may consist of one or more nations	A single nation may be made up of several state

Functions of Government:

- Rule making
- Rule execution
- Rule adjudication

Other functions:

- Political communication
- Political socialization
- Political recruitment
- Interest articulation
- Interest aggression
- Extracting resources

Aristotle's System for Classifying Government

Who Governs	Legitimate Forms	Corrupt Forms
	Rule in the Interests of the Ruled	Rule in the Interest of the Rulers
One	Monarchy	Tyranny
A few	Aristocracy	Oligarchy
Many	Polity	Democracy

**Adopted from Mendoza, 1999 citing Aristotle's System for Classifying Government*

Aristotle distinguished among three good forms of government where the ruling authority acts in the interest of the entire society and the three corrupt counterparts, where governments acts only to further its own selfish interests (Mendoza, 1999 citing Aristotle, The Politics book 3 chapter 5).

Week 2 | **B. INHERENT POWERS OF STATE**

Eminent Domain

- The power of the State to take private properties for public use upon payment of just compensation to be ascertain according to law.
- Conditions:
 - i. The existence of public use;
 - ii. Payment of just compensation; and
 - iii. Observance of dues process of law in the taking

Police Power

- The power of the State to regulate freedom and property rights and to pass laws to protect public health, safety, and welfare (De Leon, 2011).
- Rationale: Living in a civilized society demand that individual must take part with some rights and privileges for the common good.

Taxation

- The power of the State to imposed taxes upon individuals, property, or property rights to defray the necessary expenses of the government.
- It proceeds upon the theory that the existence of the government is a necessity, thus, it has the right to collect taxes from its citizens to support its expenses.

References:

Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 6-13.

Mendoza, D. J. 1999b. Basic Concepts, Structures and Functions of Government. Politics and Governance: Theory and Practice in the Philippine Context. Quezon City: Office of Research and Publications, Ateneo De Manila University, 14, 59-75.

Nachura, A. B. (2014). Outline/reviewer in political law. VJ Graphic Arts, Inc., Quezon City, Metro Manila. 47-74

Quilop, R. (2006). Nation-state formation in the Philippines. In Tadem, T. S. E., & Morada, N. M. (Eds.). Philippine Politics and Governance: An Introduction. Department of Political Science, College of Social Sciences and Philosophy, University of the Philippines in collaboration with the Philippine Commission on Higher Education, 1-12.

Week 3 | UNDERSTANDING THE PHILIPPINE POLITICAL CULTURE

Political Culture

- The set of shared attitudes, beliefs, and values within an entire population as well as within separate parts of that population is termed political culture.
- The term Political culture was first coined in the United States in the 1950s.
- According to Sidney Verba, political culture is “the system of empirical beliefs, expressive symbols, and values which defines the situation in which political action takes places”.

Components of Political Culture

- Attitude
- Beliefs
- Feelings
- Cognition
- Values

Beliefs behind political decisions:

- Ideologism
- Pragmatism

Emotions spurred by political observation and/or participation:

- Affect
- Alienation

Classifying Political Cultures:

- Democratic Political Culture
- Authoritarian Political Cultures

Three relation-based types of political culture:

- Parochial
- Subject
- Participant
 - David Wurfel described the Philippines as having parochial and subject political culture.
 - The Philippines are often described as having a “westernized” political culture.
 - Onofre D. Corpuz describes Filipino political culture as a superstructure of attitudes and values of Western origin, resting on a definitely indigenous infra-structure.

Political and non-political factors that significantly shape and determine a society’s political culture:

- General culture
- Political socialization
 - i. First stage, consists of induction into the general culture
 - ii. Second stage, involves more explicit socialization to political life.
 - iii. Political socialization through contact with the state may occur directly or indirectly.
 - iv. Indoctrination
 - v. History and historical experience

- Sub-cultures
 - i. Chinese political subculture
 - ii. Muslim subculture

How cultural organizations bolster political group solidarity and effective mobilization

Mendoza, D. J. (1999):

- In defining a group's distinctiveness- its membership and sphere of operation within the context of the contemporaneous political setting;
- By meeting the political need for intense internal communication among the group's constituent parts;
- Through offering mechanism for decision-making involving some formulation of general problems confronting the group and taking decisions concerning them;
- In providing authority for implementing these decisions and for speaking, when appropriate, on behalf of the group;
- By providing a political ideology, often rooted in the language of kinship and ritual, which gives legitimacy to power and converts it into authority; and
- Through meeting the need for discipline through ceremonials and rituals that connect the ideology to current problems of the community.

References:

Mendoza, D. J. (1999). Understanding the Philippine political culture. Politics and governance: Theory and practice in the Philippine Context. Quezon City: Office of Research and Publications, Ateneo De Manila University, 19-58.

📌 Quiz No. 2 (Short Paper)

Identify at least two (2) known Filipino attitudes, beliefs, values or ideologies; (ii) explain why these either promote and/or hinder the development and maintenance of democracy; and (iii) give examples or situations to illustrate.

Week 4 | **BASIC PRINCIPLES UNDERLYING THE 1987 PHILIPPINE CONSTITUTION**

Article II is intended to lay down the rules underlying our system of government and must therefore be adhered to in the conduct public affairs and resolution of public issues.

Sec. 1, Art. II

- Establishes the democratic and representative nature of our government
- Proclaims our hostility to autocratic or totalitarian regimes
- People are declared supreme
- It affirmed that every citizen is an individual repository of sovereignty

Republican government

- A government run by and for the people.
- A democratic government by representatives chosen by the people at large.

Essence: indirect rule or representation

Purpose: promotion of common welfare according to the will of the people.

Sovereignty of the people - the right to constitute their own government, to change it, and to define its jurisdiction and powers.

Indirect sovereignty is exercised through duly elected and appointed public officials who hold and discharge their position as a public trust and at all times accountable (Art. XI, Sec. 1).

Direct suffrage (Art. V) through secret ballot and representatives are determined by the rule of the majority (plurality vote).

Renunciation of war as an instrument of national policy [Sec. 2, Art. II] - renunciation by the Philippines of aggressive war, not war in defense of her national honor and integrity (which can not be waived – the right to self-preservation).

Doctrine of Incorporation

- Automatic adoption of the generally accepted principles of international law as part of the law of the land.
- Reason: The State, by reason to its membership in the family of nations, bound by the general accepted principles of international law.

Pacta sunt servanda means that a generally accepted principle of international law, should be observed in good faith (compliance in good faith).

Sec. 3, Art. II - supremacy of the civilian authority.

- This is to allay all fears of a military take-over of our civilian government. Accordingly, the President, under Art. VII, Section 18, declared that the President, who is a civilian official, shall be the commander-in-chief of all armed forces of the Philippines.
- Armed Forces of the Philippines
 - ✓ protector of the people
 - ✓ the goal is to secure the sovereignty of the State and integrity of the national territory

Sec. 6, Art. II - Separation of church and State

- The purpose is to delineate the boundaries between the two institutions and to avoid encroachments by one against the other due to misunderstanding of the limits of their respective jurisdictions.
- Cuts both ways. It is not only the State that is prohibited from interfering in purely ecclesiastical affairs; the church is also barred from meddling in purely secular matters.

Sec. 7, Art. II - Independent Foreign Policy - one that is not subordinate or subject to nor dependent upon the support of another government.

Aim: to establish a friendly relations with all countries of the world regardless of race, religion, ideology and social system and to promote as much a beneficial relations with them particularly in economic and trade activities.

Paramount considerations:

- i. national sovereignty
- ii. territorial integrity
- iii. national interest
- iv. the right to self-determination.

Sec. 8, Art. II - prohibits the stockpiling or storage of nuclear weapons or arms in the country.

Sec. 9, Art. II - Just and dynamic social order is accomplished through: policies that provide adequate social service (in the field of health, education, housing, etc.); promotion of full employment; a rising standard of living; and an improved quality of life for all.

Sec. 10, Art. II – promotion of social justice.

- ✓ Read and memorize the definition of social justice as defined by Justice Laurel in *Calalang vs. Williams* (G.R. No. 47800, December 2, 1940)
- ✓ Aim of the policy to promote social justice:
 - i. To protect and enhance the right of the people to human dignity.
 - ii. To reduce social, economic, and political inequities.
 - iii. To remove cultural inequities.

Sec. 11, Art. II – human rights - inherent dignity of every human person.

- ✓ Rights which can not be modified or taken away by the lawmaking body
- ✓

Sec. 12, Art. II – strengthening of the family as a basic autonomous social institution.

Sec. 13, Art. II – rearing the youth.

Purpose: For the youth to be fully prepared when they assume their responsibility of leadership in the direction of country's destiny

Sec. 14, Art. II – protection of women

Sec. 19, Art. II – self-reliant and independent national economy

Sec. 20, Art. II – indispensable role of private enterprise

Sec. 21, Art. II – promotion of comprehensive rural development and agrarian reform

Sec. 25, Art. II – autonomy of local governments

Sec. 26, Art. II – equal access to opportunities and prohibit political dynasties as may be provided for by law. Presupposes and an open, accountable and transparent government

Purpose: the prohibition of “**political dynasties**” expresses a national commitment to democratize elections and appointment to positions in the government and eliminate a principal obstacle to “equal access to opportunities for public service.”

“**equal access to opportunities**” insures the widest possible base for the selection of elective government officials regardless of political, economic, and social status

Read: **Executive Order No. 2, s. 2016**

✓ “[T]hese provisions are not self-executing. They do not confer rights which can be enforced in the courts but only provide guidelines for legislative or executive action.” (Kilosbayan vs. Morato, G.R. No. 118910 November 16, 1995).

References:

Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 6-121.

Medoza, J. et. Al (2013). Politics and Governance with 1987 Philippine Constitution. Mandaluyong City: Books Atpb. Publishing Corp.

Nachura, A. B. (2014). Outline/reviewer in political law. VJ Graphic Arts, Inc., Quezon City, Metro Manila. 47-74, 251-309

Art. II, 1987 Philippine Constitution.

Executive Order No. 2, s. 2016. “Operationalizing the Executive Branch of the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor.” Retrieved from: <http://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>

Weeks 5 and 6 THE PHILIPPINE GOVERNMENT AND ITS SEPARATION AND COORDINATION OF POWERS

Part I Separation of powers, Blending of powers, Checks and balances, and Delegation of powers

Part II The Legislative (Article VI of the 1987 Philippine Constitution)

Part I – Separation of powers, Blending of powers, Checks and balances, and Delegation of powers)

Separation of Powers

- Divides the powers of the government into three major groups:
 - i. legislative (law making);
 - ii. the executive (law enforcement); and
 - iii. the judicial (law application and interpretation).
 - iv. Seeks to prevent the concentration of authority in one person or group of persons as this may lead to its abuse and to tyranny.
- Seeks to prevent the concentration of authority in one person or group of persons as this may lead to its abuse and to tyranny.

Principle of Blending of Powers

- Instances when powers are not confined exclusively within one department but are assigned to or shared by several departments, e.g., enactment of general appropriations law; the grant of amnesty by the President which requires a majority of all the members of the Congress.
- This allows one department to resist encroachments upon its prerogatives or to rectify mistakes or excesses committed by the other departments, e.g., veto power of the President as check on improvident legislation, etc..
- The theory is that the ends of the government are better achieved through the exercise by its agencies of only the powers assigned to them, subject to reversal in proper cases by those constitutionally authorized.
- Checks by the President – the President may veto or disapprove bills enacted by Congress (Sec. 27 par 1), and through the pardoning power he may modify or set aside the judgments of the courts
- Checks by Congress – Congress may override the veto of the President (Sec. 27 par 1); reject certain appointments of the President (Art. VII, Sec. 16); revoke the proclamation of martial law or suspension of the writ of habeas corpus by the President (Art. VII, Sec. 18.); and amend or revoke decisions of the courts.
- Checks by the Judiciary – with the Supreme Court as the final arbiter may declare legislative measures or executive acts unconstitutional (Art. VIII, Sec. 4 par 2) and “determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part” of Congress or the President, (Art. VIII, Sec. 2, par. 2)

Delegation of Powers

- Rule: “Potestas delegata non potest delegare” or “what has been delegated can not be delegated.”

- Based on the ethical principle that delegated power constitutes not only a right but a duty to be performed by the delegate through the instrumentality of his own judgment and not through the intervening mind of another.
- A further delegation of power, unless permitted by the sovereign power, would constitute a negation of this duty in violation of the trust reposed in the delegate mandated to discharge it directly
 - ✓ Delegation of Tariff powers to the President (Art. VI, Sec. 28(2))
 - ✓ Delegation of emergency powers to the President (Art. VI, Sec. 23(2))
 - ✓ Delegation to the people at large (Referendum and Plebiscite)
 - ✓ Delegation to local governments
 - ✓ Delegation to administrative bodies (power of subordinate legislation).

Part II – The Legislative (Article VI of the 1987 Philippine Constitution)

The Legislative Power

- The power to propose, enact, amend and repeal laws.
- The authority under the Constitution to make laws and subsequently, when the need arises, to alter and repeal them.
- Vested in the Congress, except to the extent reserved to the people by the provision on initiative and referendum.

A double-chamber body consisting of the Senate and the House of Representatives.
Composition: (Sec. 1, Art. VI)

- Senate
- House of Representatives.

The Party-List System (R.A. 7941 of the The Party-List System Act)

- A mechanism of proportional representation in the election of representatives to the House of Representatives from national, regional and sectoral parties or organizations or coalitions thereof registered with the COMELEC.
 - ✓ Read: Banat vs. COMELEC (GR No. 179271)
- Need for sectoral representation
 - ✓ Sectoral representation is necessary because it is almost impossible for, a farmer, laborer or public school teacher, to win an election. The constitution aim is to foster the rise of non-traditional political parties and greater participation for various interest groups, particularly, the marginalized sectors that have for so long remained unrepresented and voiceless. It also promotes genuine grassroots consultation.
 - ✓ Thus, the party-list system when practiced as envisioned by the Constitution, aside from being a social justice mechanism (see Art. XIII, Secs. 1 and 2) can help create a healthy and robust democracy (Nachura, 2014).

Sessions (Nachura, 2014)

- Regular: “Congress shall convene once every year on the fourth Monday of July, unless a different date is fixed by law, and shall continue for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays and legal holidays” (Sec. 15, Art. VI).

- Special: "The President may call a special session at any time" (Sec. 15, Art. VI). A special session may be called by the President at any time, usually to consider legislative measures which the President may designate in his call
- **Joint sessions**
 - i. Voting separately:
 - ✓ Choosing the President (Sec. 4, Art. VII)
 - ✓ Determine President's disability (Sec. 11, Art. VII)
 - ✓ Confirming nomination of the Vice President (Sec. 9, Art. VII)
 - ✓ Declaring the existence of a state of war (Sec. 23, Art. VI)
 - ✓ Proposing constitutional amendments (Sec. 1, Art. XVII)
 - ii. Voting jointly: To revoke or extend proclamation suspending the privilege of the writ of habeas corpus or placing the Philippines under martial law (Sec. 18, Art. VII)

Electoral Tribunals (Sec. 17, Art. VI)

- Senate Electoral Tribunal (SET)
- House of Representatives Electoral Tribunal (HRET)
- Composition: Three Supreme Court justices, and six members of the house concerned chosen on the basis of proportional representation from the political parties registered under the party-list system represented therein. The Senior Justice shall be its Chairman.
- Power: The Electoral Tribunals of the Houses of Congress shall be the sole judge of all contests relating to the election, returns and qualifications of their respective members (Nachura, 2014).

Commission on Appointments [Sec. 18, Art. VI]

- **Composition**: The Senate President, as ex officio Chairman, 12 Senators and 12 Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties registered under the party-list system represented therein. The Chairman shall not vote except in case of a tie.
- **Powers**: The Commission shall act on all appointments submitted to it within 30 session days of Congress from their submission. The Commission shall rule by a majority vote of its members. The Commission shall meet only while Congress is in session, at the call of its Chairman or a majority of all its members (Nachura, 2014).

Powers of Congress

1. General [plenary] legislative power (Sec.1, Art.VI)
2. Power of Appropriation or the "power of the purse"
3. Power of Taxation
4. Power of Legislative Investigation (Sec. 21, Art. VI)
5. Power to punish contempt.
6. War powers. By a vote of 2/3 of both Houses in joint session assembled, voting separately, declare the existence of a state of war (Sec. 23 par 1, Art. VI)
7. Power to act as Board of Canvassers in election of President (Sec. 4, Art. VII)
8. Power to call a special election for President and Vice President (Sec. 10, Art. VII)
9. Power to judge President's physical fitness to discharge the functions of the Presidency (Sec. 11, Art. VII)
10. Power to revoke or extend suspension of the privilege of the writ of habeas corpus or declaration of martial law (Sec. 18, Art. VII)
11. Power to concur in Presidential amnesties. Concurrence of majority of all the members of Congress (Sec. 19, Art. VII)

12. Power to concur in treaties or international agreements. Concurrence of at least 2/3 of all the members of the Senate (Sec. 21, Art. VII)
13. Power to confirm certain appointments/nominations made by the President.
14. Power of impeachment (Sec. 2, Art. XI)
15. Power relative to natural resources (Sec. 2, Art. XII)
16. Power to propose amendments to the Constitution (Secs. 1 and 2, Art XVII)

Classification of power of Congress (Nachura, 2014)

- **General legislative power** – it is the power to enact laws intended as rules of conduct to govern the relations among individuals or between the individuals and the State.
- **Specific powers** – they are the powers which the Constitution expressly directs or authorizes Congress to exercise.
- **Implied powers** – they are those essential or necessary to the effective exercise of the powers expressly granted.
- **Inherent powers** – powers which are possessed and can be exercised by every government because they exist as an attribute of sovereignty.

The House of the Representatives has the exclusive authority to take the initiative in the presentation of the following bills (Sec 24, Art. VI):

- Appropriation Bill
- Revenue bill
- Tariff bill
- Bill authorizing increase of the public debt
- Bill of local application
- Private Bill

Legislative Processes: How a Bill becomes a law:

- ✓ Read: <http://www.congress.gov.ph/legisinfo/>
- ✓ Read: <https://www.senate.gov.ph/about/legpro.asp>

The bill becomes a law in any of the following cases (Nachura, 2014):

- i. When the President approves the same and signs it.
- ii. When Congress overrides the Presidential veto.
 - ✓ If the President disapproves the bill, he shall return the same, with his objections thereto contained in his Veto Message, to the House of origin (which shall enter the objections at large in its Journal).
 - ✓ The Veto is overridden upon a vote of two-thirds of all members of the House of origin and the other House. [Yeas and nays entered in the Journal of each House.]
- iii. When the President fails to act upon the bill for thirty days from receipt thereof, the bill shall become a law as if he had signed it (Sec. 27 par 1, Art. VI)

References:

- Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co
- De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 234-399.
- Manuel, M. (1999). Philippine Government and its Separation and Coordination of Powers. Politics and Governance: Theory and Practice in the Philippine Context. Quezon City: Office of Research and Publications, Ateneo De Manila University, 77-116.

Nachura, A. B. (2014). Outline/reviewer in political law. VJ Graphic Arts, Inc., Quezon City, Metro Manila. 47-74, 251-309

Legislative Process – How a Bill Becomes a Law: <http://www.congress.gov.ph/legisinfo/>

<https://www.senate.gov.ph/about/legpro.asp>

Arts. VI, 1987 Philippine Constitution

Republic Act No. 7941 “The Party-List System Act”

Week 7 THE PHILIPPINE GOVERNMENT AND ITS SEPARATION AND COORDINATION OF POWERS

Part III The Executive (Article VII of the 1987 Philippine Constitution)

The Executive

Election:

- The President and Vice-President shall be elected by direct vote of the people.
- Election returns for President and Vice-President, as duly certified by the proper Board of Canvassers shall be forwarded to Congress, directed to the Senate President.
- Not later than 30 days after the day of the election, the certificates shall be opened in the presence of both houses of Congress, assembled in joint public session.
- The Congress, after determining the authenticity and due execution of the certificates, shall canvass the votes.
- The person receiving the highest number of votes shall be proclaimed elected.
- In case of a tie between 2 or more candidates, one shall be chosen by a majority of ALL the members of both Houses, voting separately. In case this results in a deadlock, the Senate President shall be the acting President until the deadlock is broken.
- The Supreme Court en banc shall act as the sole judge over all contests relating to the election, returns, and qualifications of the President or Vice-President and may promulgate its rules for the purpose (Nachura, 2014).

Powers of the President (Nachura, 2014):

1. The executive power
2. Power of appointment (Sec. 16, Art. VII)
3. The Power of Removal
4. The power of control
5. The military powers (Sec. 18, Art. VII)
6. The Pardoning Power (Sec. 19, Art. VII)
7. The Borrowing Power (Sec. 20, Art. VII)
8. The Diplomatic Power (Sec. 21, Art. VII)
9. Budgetary Power (Sec. 22, Art. VII)
10. The Informing Power (Sec. 23, Art. VII)

Other powers as outline in the book of Nachura (2014):

1. Call Congress to a special session (Sec. 15, Art. VI)
2. Power to approve or veto bills (Sec. 27, Art. VI)
3. To consent to deputation of government personnel by the Commission on Elections (Sec. 2 par 4, Art. IX-C) and to discipline such deputies (Sec. 2 par 8, Art. IX-C)
4. By delegation from Congress, emergency powers (Sec. 23 par 2, Art. VI)
5. Tariff powers (Sec. 28 par 2, Art. VI)
6. General supervision over local governments and autonomous regional governments (Art. X)

The Executive Power is vested in the President of the Philippines (Secs. 1, Art. VII). He shall ensure that the laws be faithfully executed (Sec. 17, Art. VII)

- The power to enforce and administer the laws.
- Being the administrative head of the government, the President is vested with the power to execute, administer and carry out laws into practical operation. Executive power, then, is the

- power of carrying out the laws into practical operation and enforcing their due observance.
- The Office of the President is the nerve center of the Executive Branch (Nachura, 2014).

The President shall have control of all the executive departments, bureaus, and offices (Sec. 17, Art. VII)

The alter ego principle. Also known as the **“doctrine of qualified political agency”**. Under this doctrine which recognizes the establishment of a single executive, all executives and administrative organizations are adjuncts of the Executive Department, the heads of the various executive departments are assistants and agents of the Chief Executive, and except in cases where the Chief Executive is required by the Constitution or law to act in person or the exigencies of the situation demand that he act personally, the multifarious executive and administrative functions of the Chief Executive are performed by and through the executive departments, and the acts of the Secretaries of such departments performed and promulgated in the regular course of business are, unless disapproved or reprobated by the Chief Executive presumptively the acts of the Chief Executive (Nachura citing DENR v. DENR Region XII Employees. G.R. No. 149724, August 19, 2003).

Sec. 18, Art. VII: The Commander-in-Chief clause.

- The President shall be the Commander-in-Chief of all armed forces of the Philippines
- The President may call out the armed forces to prevent or suppress lawless violence, invasion or rebellion.
- The power to organize courts martial for the discipline of the members of the armed forces, create military commissions for the punishment of war criminals (Nachura, 2014).

References:

Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

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Art. VII, 1987 Philippine Constitution

Midterm Paper

In line with the COVID19 Pandemic, write an essay on how the government exercise the principles of separation, blending, checks and delegations of powers. Cite examples and corroborate the same with applicable laws, administrative orders, rule, and regulations.

Week 8 THE PHILIPPINE GOVERNMENT AND ITS SEPARATION AND COORDINATION OF POWERS

Part IV The Judiciary (Article VIII of the 1987 Philippine Constitution)

The Judicial Power

- Includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government (Sec. 1, par. 2, Art. VIII).
- Vested in the Supreme Court and in such lower courts as may be established by law (Sec. 1, Art. VIII).

Constitutional Safeguards to insure the independence of the Judiciary.

1. The Supreme Court is a constitutional body; it may not be abolished by the legislature.
2. The members of the Supreme Court are removable only by impeachment.
3. The Supreme Court may not be deprived of its minimum original and appellate jurisdiction; appellate jurisdiction may not be increased without its advice and concurrence.
4. The Supreme Court has administrative supervision over all inferior courts and personnel.
5. The Supreme Court has the exclusive power to discipline judges/ justices of inferior courts.
6. The members of the Judiciary have security of tenure.
7. The members of the Judiciary may not be designated to any agency performing quasi-judicial or administrative functions.
8. Salaries of judges may not be reduced; the Judiciary enjoys fiscal autonomy.
9. The Supreme Court, alone, may initiate and promulgate the Rules of Court.
10. The Supreme Court, alone, may order temporary detail of judges.
11. The Supreme Court can appoint all officials and employees of the judiciary (Nachura, 2014).

The Supreme Court

Compose of a Chief Justice and 14 Associate Justices. It may sit en banc or in its discretion, in divisions of three, five or seven members. Any vacancy shall be filled within 90 days from occurrence thereof (Sec. 4 par 1, Art. VIII).

En Banc: All cases involving the constitutionality of a treaty, international or executive agreement, or law; and all other cases which, under the Rules of Court, are to be heard en banc, including those involving the constitutionality, application or operation of presidential decrees, proclamations, orders, instructions, ordinances and other regulations. These cases are decided with the concurrence of a majority of the members who actually took part in the deliberations on the issues and voted thereon (Nachura, 2014).

Division: Other cases or matters may be heard in division, and decided or resolved with the concurrence of a majority of the members who actually took part in the deliberations on the issues and voted thereon, but in no case without the concurrence of at least three (3) such members.

- ✓ When the required number is not obtained, the case shall be decided en banc.
- ✓ No doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc (Nachura, 2014).

Powers¹ (Sec. 5, Art. VIII)

1. **Original jurisdiction** over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.
2. **Appellate jurisdiction:** Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:
 - i. All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;
 - ii. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto;
 - iii. All cases in which the jurisdiction of any lower court is in issue;
 - iv. All criminal cases in which the penalty imposed is reclusion perpetua or higher; and
 - v. All cases in which only an error or question of law is involved (Nachura, 2914).
- ✓ Only in cases where the penalty actually imposed is death must the trial court forward the records of the case to the Supreme Court for automatic review of the conviction (Nachura citing *People v. Redulosa*, 255 SCRA 279).
3. Assign **temporarily judges** of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
4. **Order a change of venue or place of trial** to avoid a miscarriage of justice.
5. **Rule Making Power:** Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the under-privileged.
6. **Appoint all officials and employees of the Judiciary** in accordance with the Civil Service Law.
7. **Power of Administrative Supervision:** The Supreme Court shall have administrative supervision over all courts and the personnel thereof (Sec. 6, Art. VIII).

References:

Cruz, I. A. (2002). *Philippine Political Law*. Central Lawbook Pub. Co

De Leon, H. S. & De Leon Jr., H. S (2011). *Textbook on the Philippine Constitution*. Rex Bookstore, Inc., 234-399.

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Art. VIII, 1987 Philippine Constitution

¹ Reference: Nachura, A. B. (2014). *Outline reviewer in political law*

Week 9 | MIDTERM EXAMINATION

Midterm Examination

Write an essay on how the government respond to political and societal issues. Provide at least two examples, and cite research papers and/or articles to support your paper.

Week 10 | **THE THREE CONSTITUTIONAL COMMISSIONS**

Three (3) Constitutional Commissions (Art. IX)

- Civil Service Commission
- Commission on Election
- Commission on Audit

Common Provisions - Safeguards insuring the independence of the Commissions (Nachura, 2014):

1. They are constitutionally created; may not be abolished by statute.
2. Each is expressly described as “independent”.
3. Each is conferred certain powers and functions which cannot be reduced by statute.
4. The Chairmen and members cannot be removed except by impeachment.
5. The Chairmen and members are given a fairly long term of office of seven years.
6. The Chairmen and members may not be reappointed or appointed in an acting capacity.
7. The salaries of the chairman and members are relatively high and may not be decreased during continuance in office.
8. The Commissions enjoy fiscal autonomy.
9. Each Commission may promulgate its own procedural rules, provided they do not diminish, increase or modify substantive rights [though subject to disapproval by the Supreme Court],
10. The Chairmen and members are subject to certain disqualifications calculated to strengthen their integrity.
11. The Commissions may appoint their own officials and employees in accordance with Civil Service Law.

Rotational Scheme of Appointments. The first appointees shall serve terms of seven, five and three years, respectively. After the first are appointed, the rotational scheme is intended to prevent the possibility of one President appointing all the Commissioners (Nachura, 2014).

Each Commission shall decide by a majority vote of all its members any case or matter brought before it within sixty days from the date of its submission for decision or resolution (Sec. 7, Art. IX-A).

- ✓ Any decision, order or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within 30 days from receipt of a copy thereof (Nachura, 2014).

1. The Civil Service Commission

Functions (Sec. 3, Art. IX-B):

- i. To establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness and courtesy in the civil service.
- ii. To strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and to institutionalize a management climate conducive to public accountability (Nachura, 2014).

2. The Commission on Elections

According to Nachura, the following are the functions of the COMELEC:

- i. Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum or recall.
- ii. Exclusive original jurisdiction over all contests relating to the election, returns and qualifications of all elective regional, provincial and city officials. Exclusive appellate jurisdiction over all contests involving elective municipal officials decided by the RTC. or involving elective barangay officials decided by the MTC. and decisions therein shall be final, executory and unappealable.
- iii. Decide, save those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.
- iv. Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities for the exclusive purpose of ensuring free, orderly, honest, peaceful and credible elections.
- v. Register, after sufficient publication, political parties, organizations or coalitions which must present their platform or program of government: accredit citizens' arms.
- vi. File, upon a verified complaint, or on its own initiative, petitions in court for the inclusion or exclusion of voters: investigate and, where appropriate, prosecute cases of violations of election laws.
- vii. Recommend to Congress effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractice, and nuisance candidates.
- viii. Submit to the President and Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum or recall (Nachura, 2014).

3. The Commission on Audit

Functions (Nachura, 2014):

- i. Examine, audit and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of funds and property owned or held in trust or pertaining to, the Government.
- ii. Keep the general accounts of Government, and preserve vouchers and supporting papers for such period as provided by law.
- iii. Authority to define the scope of its audit and examination, establish techniques and methods required therefor.
- iv. The power of the Commission to define the scope of its audit and to promulgate auditing rules and regulations and the power to disallow unnecessary expenditures, is exclusive, but its power to examine and audit is not exclusive (Nachura, citing *Development Bank of the Philippines v. Commission on Audit*, G.R. No. 88435, January 15, 2002).
- v. Promulgate accounting and auditing rules and regulations, including those for the prevention and disallowance of irregular, unnecessary, expensive, extravagant or unconscionable expenditures or uses of government funds or property.

References:

- Cruz, I. A. (2002). *Philippine Political Law*. Central Lawbook Pub. Co.
- De Leon, H. S. & De Leon Jr., H. S (2011). *Textbook on the Philippine Constitution*. Rex Bookstore, Inc., 400-457
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- Art. IX, 1987 Philippine Constitution

Week 11 | THE CONCEPT OF GOVERNANCE²

Historical Background Brillantes and Fernandez, 2008):

Failed development interventions in the 50s into the 90s spurred the introduction of other development reforms.

The “governance” paradigm was introduced and advocated by the United Nations (UN), World Bank (WB), Asian Development Bank (ADB) and other international institutions.

The word suddenly “has become something of a mantra in recent years, uttered by donors, reformers and pundits alike.” (Frechette 2000: 25)

Governance entails a larger scope and has a wider meaning.

Though the term “governance” has been used to refer mostly to “government,” **when correctly used, “governance” really goes beyond government** (Brillantes and Fernandez, 2008:8).

It involves the institutionalization of a system through which citizens, institutions, organizations, and groups in a society articulate their interests, exercise their rights, and mediate their differences in pursuit of the collective good. (Brillantes and Fernandez, citing ADB 1995 as cited in ADB 2005: 1)

UNDP describes it as “the exercise of political, economic and administrative authority to manage a nation’s affairs. It embraces all of the methods- good and bad – that societies use to distribute power and manage public resources and problems.” (Brillantes and Fernandez, citing UNDP 1997: 9)

“Governance is not the sole responsibility of the government per se but the role of the market and civil society are of equal importance too and should also be recognized.” Cariño (2000) (Brillantes and Fernandez, 2008).

Factors or processes that pushed for governance, according to Cariño, are: (i) the quest for growth and development, (ii) the environmental movement, (iii) globalization, and (iv) consolidating peace – the same values or virtues found in the UN Charter.

Among others, governance promotes the virtues of decentralization, participation, responsiveness and accountability.

Good Governance (Brillantes and Fernandez, 2008)

- emerged and became prominent in international aid circles around 1989 or 1990.
- serves as a general guiding principle for donor agencies to demand that recipient governments adhere to proper administrative processes in the handling of development assistance and put in place effective policy instruments towards that end. (Brillantes and Fernandez, citing Doornbos 2003)

² Most of the discussion are lifted from the Article Is there a Philippine public administration? Or better still, for whom is Philippine public administration by Brillantes, A., & Fernandez, M. (2008)

When there is good governance, there is sustainable development (Brillantes and Fernandez, 2008).

“Good governance and sustainable development are indivisible. That is the lesson of all our efforts and experiences, from Africa to Asia to Latin America. Without good governance – without the rule of law, predictable administration, legitimate power, and responsive regulation -- no amount of funding, no amount of charity will set us on the path to prosperity We are fully engaged in efforts to improve governance around the world good governance is indispensable for building peaceful, prosperous and democratic societies.” (Brillantes and Fernandez citing Annan 1997).

Good governance is synonymous with sound development management. They then identified some key principles of development which may be considered as elements of good governance. These are: accountability, participation, predictability, and transparency (Brillantes and Fernandez, citing ADB).

Basic Elements of Good Governance	Key Dimensions	Specific Areas of Action
1. <i>Accountability</i> means making public officials answerable for government behavior and responsive to the entity from which they derive authority	Establishing criteria to measure performance of public officials Institutionalizing mechanisms to ensure that standards are met.	<ul style="list-style-type: none"> • Public Sector Management • Public Enterprise Management • Public Financial Management • Civil Service Reform
2. <i>Participation</i> refers to enhancing people's access to and influence on public policy processes	Undertaking development for and by the people	<ul style="list-style-type: none"> • Participation of beneficiaries and affected groups • Interface between government and the private sector • Decentralization of public and service delivery functions (empowerment of Local Governments) • Cooperation with Non-Government Organizations
3. <i>Predictability</i> refers to the existence of laws, regulations and policies to regulate society and the fair and consistent application of these	Establishing and sustaining appropriate legal and institutional arrangements Observing and upholding the rule of law Maintaining consistency of public policies	<ul style="list-style-type: none"> • Law and Development • Legal Frameworks for Private Sector Development
4. <i>Transparency</i> refers to the availability of information to the general public and clear government rules, regulations, and decisions	Ensuring access to accurate and timely information about the economy and government policies	<ul style="list-style-type: none"> • Disclosure of Information

Source: Brillantes and Fernandez (2008), citing ADB.

References:


Cariño, L.V. (2003). The Concept of Governance in Bautista et al, Into to Public Administration in the Philippines: A Reader, 2nd Ed.

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http://www.ipa.government.bg/sites/default/files/pregled-dobro_upravljenje.pdf

Asian Development Bank (Report to the Board of Director). "Governance: Sound Development Management. August, 1995. 1-12.

Brillantes, A., & Fernandez, M. (2008). Is there a Philippine public administration? Or better still, for whom is Philippine public administration. Philippine Journal of Public Administration, 52(2-4), 245-307.

 **Quiz No. 3 (Short Paper)**

Identify and briefly explain two known social, political, or economic issues or cite an existing laws or policies, either at the local or national levels, that relate to good governance elements. Explain how these adversely affect or improve the promotion of national development

Week 12 | ACCOUNTABILITY OF PUBLIC OFFICERS

“Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives” (Sec. 1, Art. XI).

Read: RA 6713 or the “Code of Conduct and Ethical Standards for Public Officials and Employees” approved on February 20, 1989, and which took effect on March 25, 1989

Norms of Conduct of Public Officials and Employees (RA No. 6713, Section 4(a):

- Commitment to public interest
- Professionalism
- Justness and sincerity
- Political neutrality
- Responsiveness to the public
- Nationalism and patriotism
- Commitment to democracy
- Simple living

Duties of Public Officials and Employees (RA No. 6713, Section 5):

- Act promptly on letters and requests.
- Submit annual performance reports.
- Process documents and papers expeditiously.
- Act immediately on the public's personal transactions.
- Make documents accessible to the public.

Impeachment is a national inquest into the conduct of public men (Nachura, 2014).

Impeachable Officers:

- President
- Vice President
- Chief Justice and Associate Justices of the Supreme Court
- Chairmen and Members of the Constitutional Commissions, and the Ombudsman.

Grounds for Impeachment

- Culpable violation of the Constitution
- Treason
- Bribery
- graft and corruption
- other high crimes, or betrayal of the public trust.

Procedures for Impeachment³

1. Initiating impeachment case. The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

³ Based on the Book of Nachura - Outline/reviewer in political law

- i. A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any member thereof.
- ii. Included in the Order of Business within 10 session days, and referred to the proper Committee within 3 session days.

If the verified complaint is filed by at least one-third of all the members of the House, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed. (There is no need to refer the same to the proper Committee).

- vi. The Committee, after hearing, and by a majority vote of all its members, shall submit its report to the House within 60 session days from such referral, together with the corresponding resolution.
- vii. A vote of at least 1/3 of all the members of the House shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee or override its contrary resolution. The vote of each member shall be recorded.

Limitation on initiating of impeachment case: Not more than once within a period of one year against the same official.

- 2. Trial and decision. The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. A decision of conviction must be concurred in by at least two-thirds of all the members of the Senate.
- 3. Effect of Conviction. Removal from office and disqualification to hold any office under the Republic of the Philippines. But the party convicted shall be liable and subject to prosecution, trial and punishment according to law.

References:

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Art. XI, 1987 Philippine Constitution

Republic Act No. 6713 "Code of Conduct and Ethical Standards for Public Officials and Employees"

Week 13 | CITIZENSHIP

Citizenship

- Membership in a political community which is personal and more or less permanent in character.
- Is a term denoting membership of a citizen in a political society, which membership implies, reciprocally, a duty of allegiance on the part of the member and duty of protection on the part of the State (De Leon, 2011).

Citizen (according to De Leon)

- Is a person having the title of citizenship.
- He is a member of a democratic community who enjoys full civil and political rights, and is accorded protection inside and outside the territory of the State. Along with other citizens, they compose the political community.
- In a monarchial state, he is often called subject.

Alien

- A citizen of a country who is residing in or passing through another country.
- Also known as foreigner.
- Not given the full rights to citizenship but is entitled to receive protection as to his person or property.

Nationality is membership in any class or form of political community. Nationals may be citizens (if members of a democratic community) or subjects (if members of a monarchial community). Nationality does not necessarily include the right or privilege of exercising civil or political rights (Nachura, 2014).

General ways of acquiring citizenship (based on the book of Nachura)

1. Involuntary Method – By birth, because of blood relationship or place of birth (natural-born citizen).
2. Voluntary Method – By naturalization, except in case of collective naturalization of the inhabitants of a territory which takes place when it is ceded by one state to another as a result of conquest or treaty.

Usual modes of acquiring citizenship:

1. By birth
 - jus sanguinis - Blood relationship is the basis for the acquisition of the citizenship under this rule. The children follow the citizenship of the parents or one of them. This is the predominating principle in the Philippines (De Leon, 2011).
 - jus soli / jus loci – Place of birth serves as the basis of acquiring citizenship under this rule. A person becomes a citizen of the State where he is born irrespective of the citizenship of the parents. It does not mean that the principle of jus sanguinis is not likewise recognized (De Leon, 2011).
2. By naturalization
3. By marriage

Who are Citizens of the Philippines (Art IV):

1. Those who are citizens of the Philippines at the time of the adoption of the 1987 Constitution.
2. Those whose fathers or mothers are citizens of the Philippines (citizen by blood relationship).

3. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority.
4. Naturalized in accordance with law.

Who are considered natural-born citizens:

“Section 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.”

“Naturalized citizens are those who were originally citizens of another country, but who, by intervening act (i.e., naturalization), have acquired new citizenship in a different country.”

Dual Allegiance of citizens

- Article IV, Section 5 prohibits more naturalized Filipinos from practicing what is called **dual allegiance** which refers to the continued allegiance of naturalized nationals to their mother country even after they acquired.

Dual Citizenship refers to the possession of two citizenships by an individual, that of his original citizenship and that of the country where he became a naturalized citizen (De Leon, 2011).

Read: R.A. 9225 or “An Act Making the Citizenship of Philippine Citizens Who Acquire Foreign Citizenship Permanent”

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Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

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Art. IV, 1987 Philippine Constitution

Republic Act No. 9225 “An Act Making the Citizenship of Philippine Citizens Who Acquire Foreign Citizenship Permanent”

📌 Quiz No. 4 (Reaction Paper)

Briefly summarize the facts, issues and the decision of the Supreme Court in the following cases.

- a. Tacson et al vs. Commission on Elections G.R. Nos. 161434, 161634 & 161824 March 3, 2004
- b. Poe vs. COMELEC G.R. No. 221697 March 8, 2016

Analyze the ruling of the High court and correlate the same in the context of Article VII of the 1987.

Week 14 | **BILL OF RIGHTS**

Bill of Rights as defined by Nachura (2014):

“The set of prescriptions setting forth the fundamental civil and political rights of the individual, and imposing limitations on the powers of government as a means of securing the enjoyment of those rights. The Bill of Rights is designed to preserve the ideals of liberty, equality and security against the assaults of opportunism, the expediency of the passing hour, the erosion of small encroachments, and the scorn and derision of those who have no patience with general principles”

“Generally, any governmental action in violation of the Bill of Rights is void. These provisions are also generally self-executing.”

Civil Rights

- Those rights that belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants, and are not connected with the organization or administration of government.
- They include the rights to property, marriage, equal protection of the laws, freedom of contract, etc.
- They are rights appertaining to a person by virtue of his citizenship in a state or community. May also refer (in its general sense) to rights capable of being enforced or redressed in a civil action (Nachura , 2014:91).

Political Rights

They refer to the right to participate, directly or indirectly, in the establishment or administration of government, e.g., the right of suffrage, the right to hold public office, the right to petition and, in general the rights appurtenant to citizenship vis-a-vis the management of government (Nachura, citing Simon v. Commission on Human Rights, G.R. No. 100150).

Read: Article III of the 1987 Constitution of the Philippines

References:

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Article III of the 1987 Philippine Constitution

Week 15 | **THE FORMAL STRUCTURE FOR POLITICAL PARTICIPATION**

Suffrage is the right and obligation to vote of qualified citizens in the election of certain national and local officers of the government and in the decision of public questions submitted to the people (De Leon, 2011:222).

Nature of suffrage

- A mere privilege. – Suffrage is not a natural right of the citizens but merely a privilege to be given or withheld by the lawmaking power subject to constitutional limitations. Suffrage should be granted to individuals only upon the fulfilment of certain minimum conditions deemed essential for the welfare of society (De Leon, 2011:222).
- A political right – In the of a right conferred by the constitution, suffrage is classified as a political right, enabling every citizen to participate in the process of government to assure that it can truly be said to derive its powers from the consent of the governed. The principle is one man, one vote (De Leon, 2011:222-223).

Scope of suffrage:

Election is the means by which the people choose their officials for a definite and fixed periods and to whom they entrust, for the time being as their representatives, the exercise of powers of government (De Leon, 2011:223).

Plebiscite is the name given to a vote of the people expressing their choice for or against a proposed law or enactment submitted to them (De Leon, 2011:223).

- Election of any proposed amendment to, or revision of, the Constitution is submitted to the people for their ratification (At. VII, Sec. 2).
- Required by the Constitution to secure the approval of the people directly affected before certain proposed changes affecting local government units may be implemented (Art. X, Secs. 10, 11, and 18).

Referendum is the submission of a law or part thereof passed by the national or local legislative body to the voting citizens of a country for their ratification or rejection (Art. 6, Sec. 32).

Initiative is the process whereby the people directly propose and enact laws (De Leon, 2011:223).

- Amendment to the Constitution may likewise be directly proposed by the people through initiative (Art. XVII, Sec. 2).

Recall under Article X, Section 3 is a method by which a public officer may be removed from office during his tenure or before the expiration of his term by a vote of the people after registration of a petition signed by a required percentage of the qualified voters (De Leon, 2011:223).

“Section 2. The Congress shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad.

The Congress shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.” (Art. V, Sec. 2).

RA No. 9189, as amended by RA No. 10590 (The Overseas Voting Act of 2013)

- Covers all citizens of the Philippines abroad, who are not otherwise disqualified by law, at least eighteen (18) years of age on the day of elections, may vote for President, Vice-President, Senators and Party-List Representatives, as well as in all national referenda and plebiscites.

Executive Order No. 157 dated March 30, 1987 provides that government officials and employees who are assigned to places other than their place of registration must not be deprived of their right to participate in electoral exercises.

Section 2: Thirty (30) days before the election, the appropriate head of office shall submit to the Commission on Elections a list of officers and employees of the office who are registered voters, and who, by reason of their duties and functions, will be in places other than their place of registration, and who desire to exercise their right to vote, with the request that said officers and employees be provided with application forms to cast absentee ballots in their place of assignment.

Section 8: The voters who cast absentee votes shall vote one week before election day. They shall do so by delivering to the Commission on Elections Regional Director, or the Provincial Election Supervisor or the City or Municipal Election Registrar of the place of their assignment ballot within two security envelopes, the one containing the absentee ballots indicating only that it is an envelope of the Commission on Elections, and the other envelope indicating the name of the absentee voter and his/her affidavit number.

Section 9: The Commission on Elections official concerned to whom the absentee vote is delivered shall immediately transmit by the fastest means available to the Commission on Elections the special Commission on Elections absentee ballot within two security envelopes so that the same are in the central office of the Commission one day before the elections.

References:

Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 222-233.

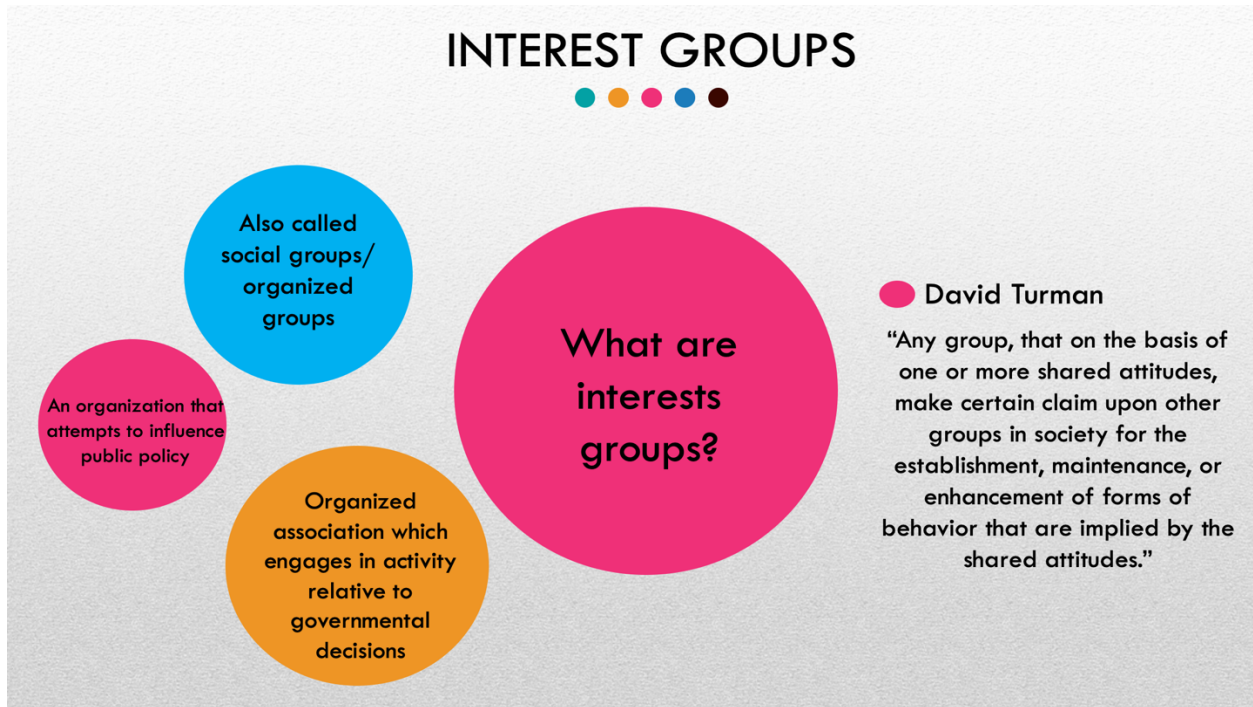
Manacsa, R. (1999). The formal structures for political participation: the electoral and party systems in the Philippines. Ateneo de Manila Department of Political Science (ed.), Politics and Governance in the Philippine Context, Quezon City: Ateneo de Manila University Press, 159-22.

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Art. V, 1987 Philippine Constitution

Republic Act No. 9189, as amended by RA No. 10590 or The Overseas Voting Act of 2013

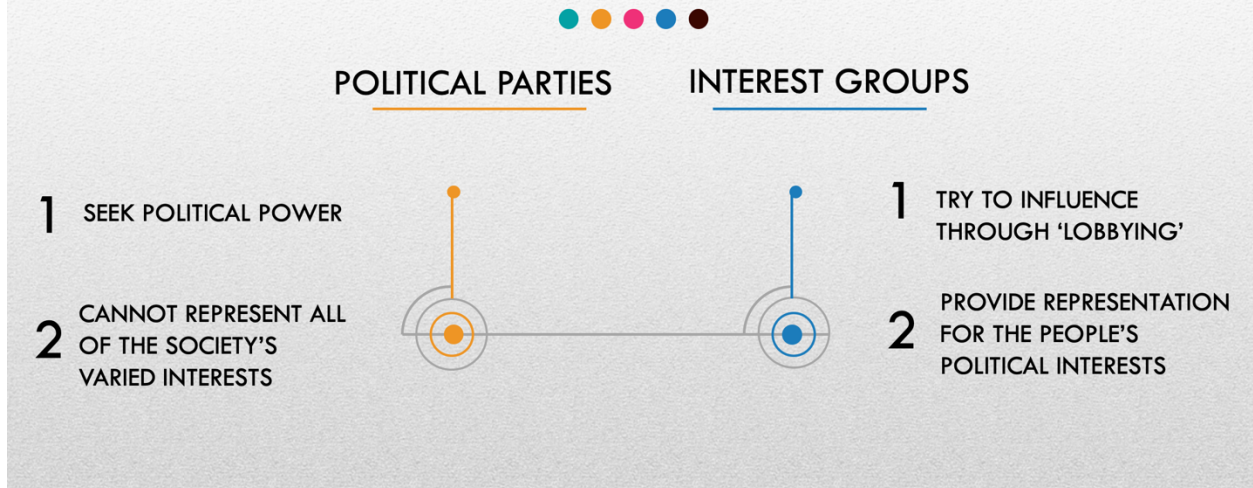
Week 16 | THE ROLE OF NON-GOVERNMENTAL ORGANIZATION IN POLITICS AND GOVERNANCE



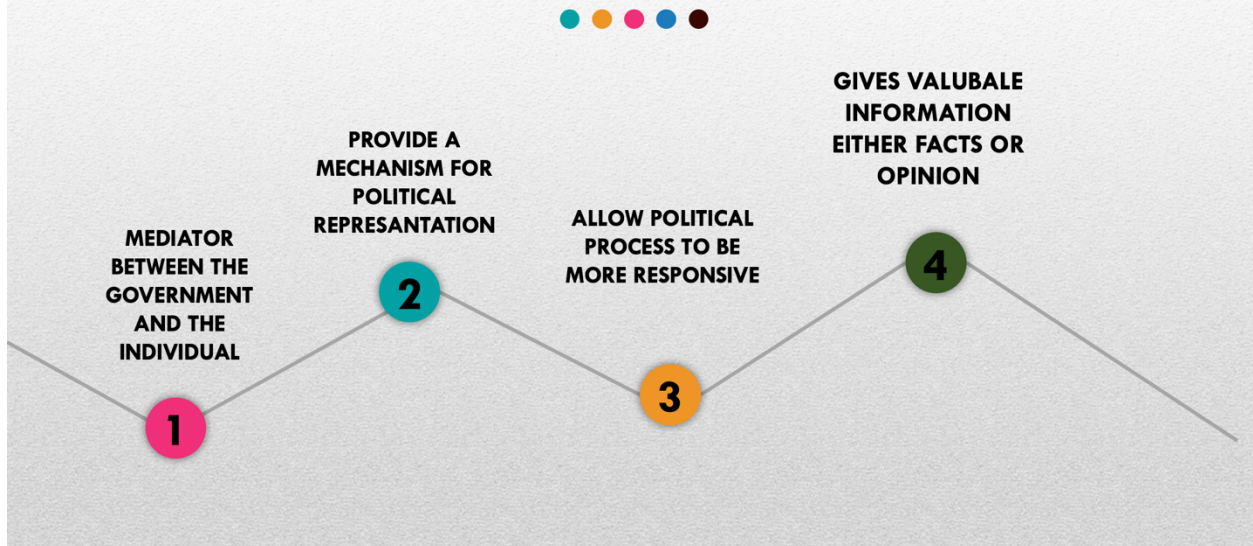
FOUR PRIME CHARACTERISTICS OF INTEREST GROUPS



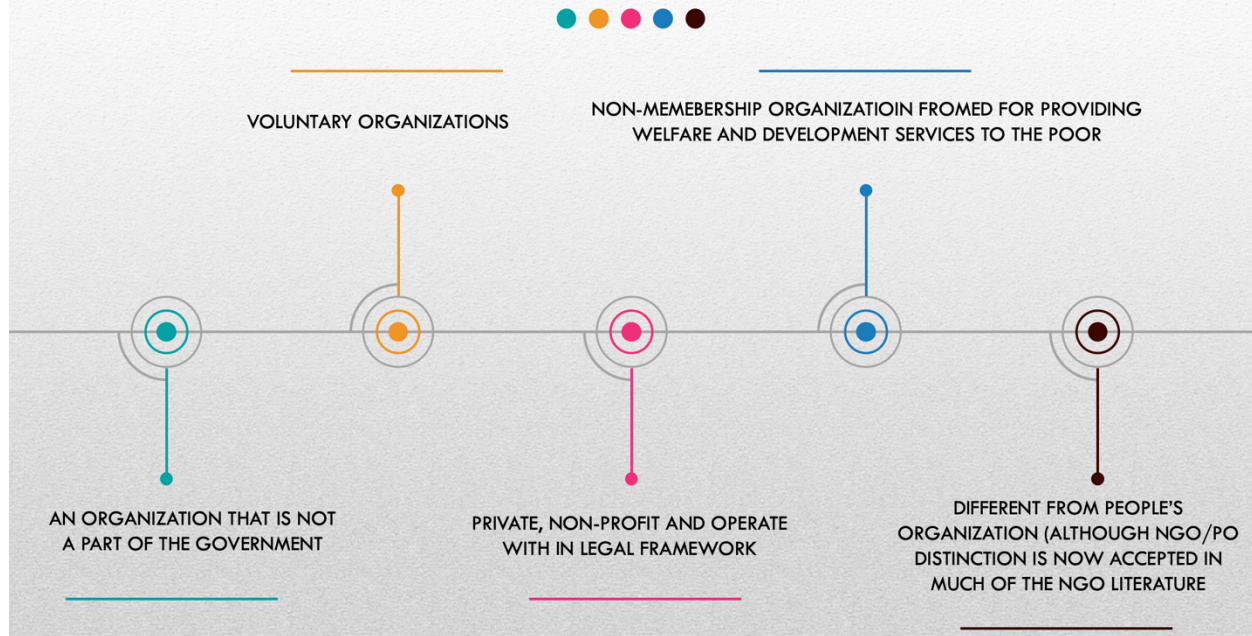
POLITICAL PARTIES vs. INTEREST GROUPS



CONTRIBUTION OF INTEREST GROUPS TO LIBERAL DEMOCRATIC POLICIES



GENERAL THEORY OF NGO DEVELOPMENT



IMPORTANCE OF NGO'S

- 1 As change agents for community development
- 2 As providers for mechanisms for participation and representation
- 3 As articulators of issue-based platforms
- 4 As providers for supplementary mechanisms for delivery of services

NGO



NGO represents a significant advance for democracy as they are developing new ways of doing politics.



NGO fill up a gap in the function of the government as a stimulating agent for community development while it creates opportunities for the politically marginalized to become active participants in the socio-political processes of society



NGOs are formed to take care of people's needs.

References:

Melegrito, M. L., & Mendoza, D. J. (1999). NGOs, politics, and governance. Ateneo de Manila Department of Political Science (ed.), *Politics and Governance in the Philippine Context*, Quezon City: Ateneo de Manila University Press, 229-264.

Domingo, M.Z. (2015). Reforming the Bureaucracy: Can Citizens Participate? In Bautista et al, *Introduction to Public Administration in the Philippines: A Reader*, 3rd Ed. Vol. 2

Reyes, D.R. (2016). Citizen Participation in Public Sector Reform in Bautista et al, *Introduction to Public Administration in the Philippines: A Reader*, 3rd Ed. Vol. 1

Final Paper

Write an essay on how a student at your age could become a catalyst of change amidst pressing issues that beset the country's sovereignty and bureaucratic processes

Week 17 | **AMENDMENTS OR REVISIONS**

Methods by which amendments or revision may be proposed):

- By Congress, as a constituent assembly, upon a vote of three-fourths of all its members (Sec. 1[a]), voting separately;
- By a constitutional convention called for the purpose (Sec. 1[2]); or
- By the people directly, through initiative upon petition of the required number of registered voters. (Sec. 2, par. 1) (De Leon, 2011:771)

Methods by which a constitutional convention may be called:

- Congress by two-thirds vote of all its members may call a constitutional convention; or
- Congress by a majority vote of all its members (in case neither the 3/4 nor 2/3 vote can be mustered) may toss the question to call a constitutional convention to the electorate in an election. (Sec. 3) the question shall be decided by the majority of votes cast in the corresponding plebiscite. (see Sec. 4, par. 1.) (De Leon 2014:774).

Constitutional convention- is a body assembled for the express purpose of framing a constitution or revising the existing Constitution.

Ratification by the people:

- **Ratification** is the direct approval by the people of the amendment to, or revision of, the constitution. It is the final act to make any change in the constitution valid as part thereof. This power of ratification upholds the principle that "sovereignty resides in the people" (De Leon 2011)
- **Why ratify?** In order that the amendment or revision proposed by congress or by a constitutional convention or by the people through initiative may be valid as part of the constitution, the same must be ratified by a majority of the votes cast in a plebiscite called for the purpose (De Leon, 2011:775)
- A plebiscite must be held not earlier than 60 days nor later than 90 days after the approval of such amendment or revision of certification of the commission on elections of sufficiency of the petition, as the case may be (De Leon, 2011:776).

References:

Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.

De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 770-771.

Nachura, A. B. (2014). Outline/reviewer in political law. VJ Graphic Arts, Inc., Quezon City, Metro Manila. 13-16

Art. XVII, 1987 Philippine Constitution

Week 18 | FINAL EXAMINATION

Final Examination

Write an essay on the **perception, relevance, concerns, and directions** of **Philippine politics** vis-a-vis **the way the state is administered**.

<MidtermPaper_Section_LastNameFirstName>
<FinalPaper_Section_LastNameFirstName>
<MidtermExam_Section_LastNameFirstName>
<FinalExam_Section_LastNameFirstName>

Ex: QuizNo1 BSA1-5 AmorMichael
MidtermPaper BSA1-5 AmorMichael
FinalEx BSA1-5 AmorMichael

12. **Cite your references/sources at the end of every paper.**
13. Send your papers/answers at mgamor.pup@gmail.com on or before the agreed deadline

BASIC REFERENCES:

The following are the basic references that will be used throughout the course.

1. Cruz, I. A. (2002). Philippine Political Law. Central Lawbook Pub. Co.
2. De Leon, H. S. & De Leon Jr., H. S (2011). Textbook on the Philippine Constitution. Rex Bookstore, Inc., 6-13.
3. Politics and Governance in the Philippine Context, Quezon City: Ateneo de Manila University Press,
4. The 1987 Philippine Constitution

Reading materials are uploaded and may be accessed through this link:

<https://drive.google.com/drive/folders/1B3x1QUaOBvOfoe8eZAUDuJ89m1XKAyb?usp=sharing>