



## WISE EDUCATION CENTER AND TRAINING NETWORK

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### SOCIAL SCIENCES (GEN. EDUCATION)

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### PHILIPPINE CONSTITUTION

#### What is a Constitution?

- It is a written instrument by which the fundamental powers of government are established, limited and defined and by which the powers are distributed among several departments for their safe and useful exercise for the benefits of the body politics.
- It is a written charter enacted and adopted by the people of the state, through a convention of representatives or in any way the people may choose to act, which a government for them is ordained or established.

#### Types of Constitution

1. Written
2. Unwritten
3. Conventional or enacted
4. Cumulative or evolved
5. Rigid or inelastic
6. Flexible or elastic

#### Philippine Constitution Through the Years

1. 1899 Malolos Constitution
2. 1935 Commonwealth Institution
3. 1943 Constitution (during the Japanese period)
4. 1973 Constitution
5. 1986 Freedom Constitution
6. 1987 Constitution

#### Parts of a Constitution

1. Constitution of Government
2. Constitution of Liberty
3. Constitution of Sovereignty

1. **CONSTITUTION OF GOVERNMENT** - Provisions which set up the governmental structure (**Articles VI, VII, VIII, IX and X**)
2. **CONSTITUTION OF LIBERTY** - Provisions which guarantee individual fundamental liberties against governmental abuse (**Articles III, IV, V, XII, XIII, XIV & XV**)
3. **CONSTITUTION OF SOVEREIGNTY** - Provisions which outline the process whereby the sovereign people may change the constitution (**Articles II, Section 1 and XVII**)

#### THE 18 ARTICLES OF THE PHILIPPINE CONSTITUTION

Contrary to early reports, there are only 18 articles, not 263.

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

#### PREAMBLE

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality and peace, do ordain and promulgate this Constitution."

**ARTICLE I – NATIONAL TERRITORY** - The Philippine archipelago and all the islands and waters embraced therein

- Territories which the Philippines has sovereignty or jurisdiction
- Terrestrial, fluvial and aerial domains of the Philippines (Including its territorial seas, seabed, subsoil, insular shelves and other submarine areas)
- The water around, between and connecting the islands of the archipelago...form part of the internal waters of the Philippines = Archipelagic Doctrine

#### CLASSIFICATION OF RIGHTS

I. NATURAL RIGHTS	II. CONSTITUTIONAL RIGHTS	III. STATUTORY RIGHTS
<ul style="list-style-type: none"> <li>▪ Possessed by every citizen without being granted by the State as conferred by God to a human being to live a happy life</li> </ul> <p>Ex: right to live; right to love</p>	<ul style="list-style-type: none"> <li>▪ Rights conferred and protected by the Constitution</li> <li>▪ Part of the fundamental law</li> <li>▪ Cannot be modified or taken away</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provided by laws promulgated by the law-making body and consequently may be abolished by the same body</li> </ul> <p>Example: right to receive a minimum wage and right to inherit property</p>

**Types of Constitutional Rights:** 1. **Political Rights**      2. **Civil Rights** = 2.a Social & Economic rights 2.b. Rights of the accused

#### Classification of Constitutional Rights

1. Political rights = Rights which give citizens the power to directly participate or indirectly in the establishment of administration of the government (Ex: rights of citizenship and suffrage)

2. Civil rights = Rights which will be enforced at the instance of private individuals for the purpose of securing them the enjoyment of their means of happiness

**Classification of Civil rights**

2.a. Social and economic rights - Rights intended to ensure the well-being and economic security of the individual

2.b. Rights of the accused - Intended for the protection of a person accused of any crime

**ARTICLE III – THE BILL OF RIGHTS**

- The declaration and enumeration of the individual rights and privileges which the Constitution is designed to protect against violations by the government or by individual or groups of individuals.
- Fundamental characteristic of a republican system
- It is “a charter of liberties for the individual and a limitation upon the power of the State”

**Differences between Political, Civil and Legal Rights**

Political Rights	Civil Rights	Legal Rights
Those that pertain to an individual's participation in government or the political process	Basically refer to rights enjoyed to enable individuals to undertake the everyday business of life	Rights that apply to individuals when subjected to the law and/or legal procedures and processes

**Important provisions in Article III**

<p><b>Article III, Section 3</b></p> <ul style="list-style-type: none"> <li>• <b>Right to privacy</b></li> <li>• Especially with respect to correspondence</li> <li>• Illegally obtained material as inadmissible evidence</li> </ul>	<p><b>Article III, Section 4</b></p> <ol style="list-style-type: none"> <li>1. Freedom of <u>speech</u></li> <li>2. Right to a <u>free press</u></li> <li>3. Freedom of <u>assembly</u></li> <li>4. The right of <u>petition</u></li> </ol>	<ul style="list-style-type: none"> <li>• <b>Article III, Section 5</b></li> <li>• <b>Freedom of religion</b></li> <li>• Corollary: the state has no official religion</li> <li>• The state shall not endorse any religion/religious preference</li> <li>• Religion shall not be a prerequisite for political rights</li> <li>• Affirms the separation of Church and State</li> </ul>	<p><b>Article III, Section 6</b></p> <ul style="list-style-type: none"> <li>• Liberty of abode</li> <li>• Right to travel</li> </ul>
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<p><b>Article III, Section 7</b></p> <ul style="list-style-type: none"> <li>• Right of <b>access to information</b></li> <li>• Access to Public records</li> <li>• Refers mainly to citizens but extends to aliens in some cases</li> <li>• Legal restrictions may apply (e.g. matters of national security)</li> </ul>	<p><b>Article III, Section 8</b></p> <ul style="list-style-type: none"> <li>• Freedom to <b>form associations</b></li> <li>• i.e. the <b>right to organize</b></li> </ul> <p><i>N.B.: So long as the association is not contrary to the law</i></p>	<p><b>Article III, Section 9</b></p> <ul style="list-style-type: none"> <li>• <b>The right to private property</b></li> <li>• Explicit limitation to the power of eminent domain</li> <li>• Public use</li> <li>• Just compensation: fair market price</li> <li>• Due process of law</li> <li>• *Power of eminent domain - The power of the state to take property for public use with just compensation.</li> </ul>	<p><b>Article III, Section 15</b></p> <p><i>Art. III, Sec 15 - The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion or rebellion when the public safety requires it.</i></p>
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**ARTICLE IV - CITIZENSHIP**

- This denotes membership of a permanent character in a political community.
- A citizen of a state is one who owes allegiance to it and is correspondingly entitled to its protection.

**Art. IV, Section 1 - The following are citizens of the Philippines:**

1. Those who are citizens of the Philippines at the time of the adoption of this Constitution;
2. Those whose fathers or mothers are citizens of the Philippines;
3. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
4. Those who are naturalized in accordance with law.

**Methods of acquiring Citizenship**

1. By Birth
2. By Naturalization

Citizenship by Birth: 1. JUS SANGUINIS - Right of blood – the children follow the citizenship of the parents  
 2. JUS SOLI/JUS LOCI – Right of soil/place - Place of birth serves as the basis for citizenship

**Duties and Obligations of Filipino Citizens**

1. To be loyal to the Republic
2. To defend the State
3. To contribute to the development and welfare of the State
4. To uphold the Constitution and obey the laws
5. To cooperate with the duly constituted authorities
6. To exercise rights responsibly and with due regard for the rights of others
7. To engage in gainful work
8. To register and vote

**ART. V – SUFFRAGE** - The right and obligation to vote for 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.

**Scope of Suffrage:** PIRRE

**Plebiscite** - it is the name given to a **vote of the people** expressing their choice for or against a proposed law or enacted submitted to them.

**Initiative** - is the **process** whereby the **people directly propose and enact laws**. Congress is mandated by the Constitution to provide as early as possible for a system of initiative and referendum. Amendments to the Constitution may likewise be directly proposed by the people through initiative. (Art XVII, Sec.2)

**Referendum** (Popular Vote) – it 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 VI, Sec. 32)

**Recall** - it 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. (Art X, Sec. 3)

**Election** - is the means by which the people choose their officials for definite and fixed periods and to whom they entrust, for the time being as their representatives, the exercise of powers of government.

## **ART. VI – LEGISLATIVE**

**Upper House: SENATE – 24 members**

### **QUALIFICATIONS TO BE A SENATOR**

1. Natural born citizens of the Philippines
2. At least 35 years old on the day of election
3. Able to read and write
4. A registered voter
5. A resident of the Philippines for 2 years preceding the day of the election

### **Upper House - Senate**

Senate President (#3): Aquilino Pimentel III  
Senate President Pro Tempore: Ralph Recto  
Majority Leader: Vicente Sotto III  
Minority Leader: Franklin Drilon

**Lower House: HOUSE OF REPRESENTATIVES\***

\* (with not more than 250 members) – 20% comes from the party list representatives - As of last count, there are 297 members of the Lower House

### **QUALIFICATIONS TO BE A CONGRESSMAN/CONGRESSWOMAN**

1. Natural born citizens of the Philippines
2. At least 25 years old on the day of election
3. Able to read and write
4. A registered voter in his district (except for party list)
5. A resident of the Philippines for at least a year preceding the day of the election

### **Lower House - Congress**

Speaker of the House (#4): Pantaleon Alvarez, Davao del Norte  
Majority Floor Leader: Rodolfo Farinas (Ilocos Norte)  
Minority Floor Leader: Danilo Suarez (Quezon)

**Batasang Pambansa – office of the House of Representatives**

## **Art. VIII – JUDICIARY/JUDICIAL DEPARTMENT**

- Power is vested in the Supreme Court
- Composition of the Supreme Court
- Chief Justice: Hon. Maria Lourdes Sereno
- 14 Associate Justices

### **QUALIFICATIONS TO BE A JUSTICE**

1. Natural born citizens of the Philippines
2. At least 40 years old
3. Judge or a law practitioner for 15 years in the Philippines
4. A person of proven competence, integrity, probity and independence

## **ART. IX – CONSTITUTIONAL COMMISSIONS**

1. Civil Service Commission
2. Commission on Election
3. Commission on Audit

### **Impeachable Officials**

1. President
2. Vice President
3. Members of the Supreme Court
4. Members of the Constitutional Commissions
5. Ombudsman

## **Art. XI – Public office is a public trust.**

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.

### **Grounds for Impeachment**

1. Culpable violation of the Constitution
2. Treason
3. Bribery
4. Graft and Corruption
5. Other high crimes
6. Betrayal of Public Trust

**HUMAN RIGHTS** - The rights that human beings have simply because they are human beings. These cannot be transferred, relinquished or forfeited by the actions of another individual.

**Universal Human Declaration of Human Rights (1948)** - Passed by the UN General Assembly on December 10, 1948. It calls upon all member states to promote and secure the effective recognition and observance of the rights and freedoms set forth in the declaration.

**Articles 3-21 – Civil and Political Rights**

**Articles 22-27 – Economic, social and cultural rights**

**Articles 28-30 – Everyone is entitled to social and international order in which these rights may be fully realized. They also stress the duties and responsibilities of the individual to the community.**

References: 1. Duka, Cecilio. LET Reviewer 2. Various sources from the net