



STATE AND GOVERNMENT





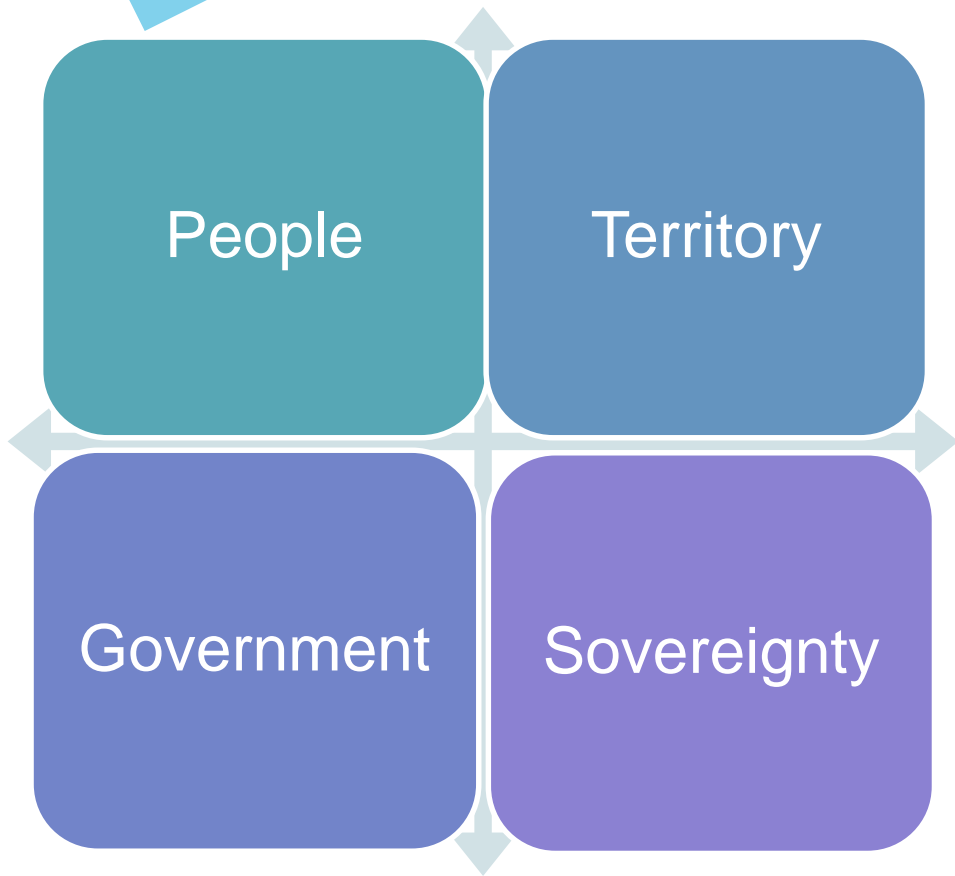
STATE

It is a community of **persons**, more or less numerous, permanently occupying a definite portion of **territory, independent** of external control and possessing an organized **government** to which the great body of inhabitants render habitual obedience.





Elements of the State





TERRITORY

» Philippine archipelago with
ALL the **islands** and **waters**
embraced therein






TERRITORY

»All the other territories which the Philippines has sovereignty or jurisdiction consisting of its *terrestrial, fluvial* and *aerial* domains – this includes the following:

- Territorial sea, seabed, subsoil and other submarine areas
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TERRITORY

- The waters around, between
and connecting the islands
of the archipelago
regardless of their breadth
and dimensions
- 



GOVERNMENT

» **National government** - entire machinery of the government

» **Local government** – political subdivisions such as the provinces, cities, municipalities and barangays





AS OF MARCH 31, 2017

81

Provinces

18

Regions

1489

Municipalities

145

Cities




Newest region (2015)

NIR – Negros Island Region

- 1. Negros Oriental**
 - 2. Negros Occidental**
- 



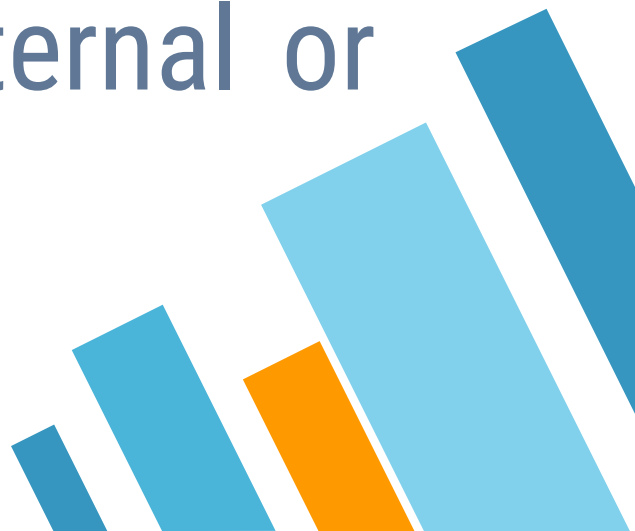
GOVERNMENT

- » **Autonomous regions** – autonomous governments or regions in the country
 - » **Metropolitan Authority** (MMDA) – refers to the special political subdivisions composed of all local government units comprising Metro Manila
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SOVEREIGNTY

» The supreme power of the state to enforce its will upon the people and the freedom from external or foreign control





ORIGIN OF THE STATE

1. **Divine right theory**
 2. **Necessity or force theory**
 3. **Paternalistic theory**
 4. **Social Contract theory**
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1.Divine right theory

– the state is of **divine creation** and the ruler is ordained by God to govern the people

2. Necessity or force theory

- Maintains that the state must have been created through force, by some great warriors who imposed their will upon the weak

3. Paternalistic theory

- The state developed from the enlargement of a family under the authority of a father or mother


4. Social contract theory

- The early states must have been formed by deliberate and voluntary compact among the people to form a society and organize government for their own good.
- Justifies the right of the people to revolt against a bad ruler.



State vs. Nation

- » **STATE** – Political concept
- » A state may consist of one or more nations

- » **NATION** – ethnic concept
 - » A group of people bound together by common culture and who believe that they are one and distinct from others
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State and Government

» **STATE** – an ideal person, intangible, invisible and immutable

» **GOVERNMENT**
» the agent
» Representative of the state





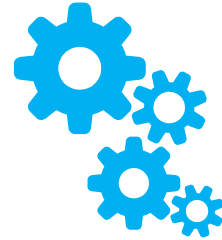
FUNCTIONS OF GOVERNMENT

» TWO TYPES OF GOVERNMENT FUNCTIONS

- 1. CONSTITUENT**
 - 2. MINISTRANT**
- 



CONSTITUENT




Constitute the bond of society
and are **compulsory** in nature






I. Constituent functions of government

1. Keeping of order and protection of persons from violence and robbery
 2. Fixing of legal relations between man and wife, etc.
 3. Regulation of the holding, transmission and interchange of property and determination of its liabilities for debt or for crime
- 




Constituent functions

4. Determination of contractual rights between individuals
 5. Definition and punishment of crimes
 6. Administration of justice in civil cases
 7. Determination of political duties, privileges and relations of citizens
 8. Dealings of the state with foreign powers
- 



MINISTRANT

These are functions that advance the **general interests** of society and are therefore *optional*





II. Ministrant functions of government

1. Public works
 2. Public education
 3. Public charity
 4. Health and safety regulations
 5. Regulations of trade and commerce
- 

FORMS OF GOVERNMENT

1. MONARCHY

- one-person rule
- No regard for the source of his election or the nature or duration of his tenure

Types

1. **Absolute** – the ruler rules by divine right
2. **Limited monarchy** – the ruler rules in accordance with a constitution

Example: Louis XIV of France

FORMS OF GOVERNMENT

2. ARISTOCRACY

- Power is exercised by a few privileged class also known as the oligarchy



FORMS OF GOVERNMENT

3. DEMOCRACY

- Power is exercised by the majority of the people





Direct or Pure democracy

The will of the State is formulated or expressed **directly** and **immediately** through the people in a mass meeting or primary assembly rather than through the medium of delegates or representatives chosen to act for them



Indirect, representative or republican democracy

The will of the State is formulated and expressed through the agency of a relatively small and select body of persons chosen by the people to act as their representatives



FORMS OF GOVERNMENT



MONARCHY

ARISTOCRACY

DEMOCRACY



Other Forms of Government – extent of powers exercised by the central or national government

1. UNITARY

- The control of national and local affairs is exercised by the central or national government

2. FEDERAL

The power of the government is divided between two sets of branches or organs: one for **national affairs**; the other for **local affairs**
Ex: the USA






Relationship between the legislative and the executive

1. Parliamentary

- The state confers upon the legislature the power to terminate the tenure of office of the executive

2. Presidential

- The executive is independent of the legislative as to tenure, policies and acts.
 - He is directly elected by the people.
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KINDS OF GOVERNMENT

1. DE JURE

- The government is supported by the people and is founded on existing constitutional laws of the state

**LEGAL &
LEGITIMATE**

**Recognized by
other states**

KINDS OF GOVERNMENT

**The state has
actual possession
of authority and
control**

Example: revolutionary governments

2. DE FACTO

- A government that is NOT founded on existing constitutional laws of the state