

Balanced Ledgers and Watertight Compartments: An Analysis of Separation of Powers Challenges in Relation to the Budgetary Process

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The past year has haunted the Philippines with government scandals alleging wide-scale misuse of public funds. Civil society groups and concerned citizens have run afoul against the alleged corruption of billions of pesos of Priority Development Assistance Fund (PDAF) or colloquially called “Pork Barrel”. The limelight has also focused on the President’s Disbursement Acceleration Program (DAP) which allows the former to utilize savings from various departments of the Executive and use the same to fund fast-moving or priority projects.

These issues have led to filing of various petitions before the Supreme Court assailing the constitutionality of the PDAF and DAP. Eventually, the Court, in its decision in *Belgica v. Ochoa, Jr.*, declared PDAF as violative of the Constitutional principle of separation of powers. On the other hand, the DAP, along with various issuances of the Department of Budget and Management was also declared by the Court as unconstitutional in its decision in *Araullo v. Aquino*.

With all these issues troubling the government, this Article examines the application of the separation of powers in the national budget process. It provides for a factual backdrop by delineating various Court decisions involving the separation of powers and checks and balances. The Authors give primacy to the Court’s hybrid model of separation of powers. This model provides a balance between the context-specific provisions on limitations of powers of the three branches of government, and certain level of interdependence between the three.

Moreover, the Authors recognize the peculiar role of the President vis-à-vis the Congress and the Judiciary. Under his Constitutional mandate to faithfully execute the laws, the President has plenitude of powers which include assuring an efficient and working government. In this premise, an implied “power of the purse” of the President is recognized.

The Article concludes that the President requires some “room for play in the joints” to allow him to oversee and manage the entire government. This requires relaxation of the interpretation of separation of powers in order for him to address the legitimate and urgent needs for public funds, provided there is no abuse of power on his part.