

# The People Power and the Supreme Court in *Estrada v. Arroyo*

A. Edcel C. F. Tupaz

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This Comment explores the decision of *Estrada v. Arroyo* and the method by which the Supreme Court was led to its decision. The Author does not argue for or against the ultimate conclusion of the Court but makes a strong argument that the vacancy created by President Estrada's abrupt departure was extra-constitutional, or a matter that could not be resolved by application of the 1987 Philippine Constitution.

The extra-constitutional nature of the President's resignation then led to the aforementioned case and a decision that applied extra-constitutional means for resolution. The Author believes that had the Supreme Court recognized the matter as extra-constitutional there would be sounder legal basis to support the notion that President Estrada made a valid resignation. Such legal basis would have necessarily touched upon the Theory of Sovereignty and the Law on Revolution.

The Author concludes that People Power as a form of direct democracy has gradually taken root in the Philippines and abroad.