

The Very Essence of Constitutionalism

Claudio Teehankee

21 ATENEO L. J. 1 (1976)

TAG(S): POLITICAL LAW, CONSTITUTIONAL LAW, BILL OF RIGHTS

The Article is a transcript by Justice Claudio Teehankee of his speech at the Philippine Bar Association's Law Day, celebrated on 18 September 1976 at the Manila Hilton. His speech focused on the processes by which the different Charters of the Republic of the Philippines have evolved through time. The speech centered on the rise of democracy, giving credit to the late President Ferdinand Marcos who proclaimed Martial law in his Presidential Decree 1081 on 21 September 1972. Marcos, as was an avid believer of the Bill of Rights and assured the nation of his wants in "saving the Republic and reform our Society". In doing so, Marcos sought the avenue of support for the Constitution by because of its ability to create a standard and guide for the most powerful. Justice Teehankee quoted Marcos stating that discipline entails a certain cooperation with the powers, it must also require that the people do not remain silent and succumb to oppression. As stressed in the Article, it was the orientation toward the importance of a Constitution that led to the very essence of Constitutionalism. It looked into the fact that it was the people who may have restricted themselves in the exercise of the powers of sovereignty, as these rights were curtailed and taken away during martial law. When the totalitarian regime outlives its justification, Marcos viewed such time as a period of national rebirth, and a shift back to normalcy. By the period brought about by the late President Marcos, Teehankee notes that people have learned their lessons. The necessities of external restraint, maintenance, and continuous sacrifice are demanded from each individual.