

The Supreme Court and the Political Departments: 1905-1960

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The lines that divide the powers of the three departments of the government have not been delineated with clarity and ease. In fact, the overlapping of the functions of these departments depicts the uncertainty of where these lines begin and where they end. As the one conferred with the power of judicial review, the Judicial Department is oftentimes called upon to settle conflicts involving the acts of the Legislative and Executive departments. Yet in many instances the Judicial Department itself is wary in exercising its powers, bearing in mind the extent of what constitutes an allowable intervention.

To be sure, the Constitution divides these departments and places them in different sections, making a salient statement of their separation. But even then it does not absolutely and in all instances insulate one of these supposedly autonomous bodies against the intervention of the other. Hence there arises the question regarding the extent of judicial review and intervention in cases where the Judicial Department is called to determine issues regarding the acts of the other departments of the government.

In resolving this issue, the Author goes into an examination of the pertinent cases on the matter. A perusal of the decisions of the Supreme Court would show that there has been a divergence of views as to the allowable extent of judicial intervention. Ultimately, however, the trend seems to support the proposition that although there may exist wrongs which the Judicial Department may not provide a remedy for because of the principle regarding the separation of powers, the danger of tyranny by one department, through a system of checks and balances which can only result from a separation of powers, is effectively minimized in its stead.