

The Scope of Due Process in Philippine Law

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Although Philippine jurisprudence is replete with decisions regarding due process, there is still no clear expression of the meaning and treatment of such concept in Philippine law. Thus, this Article aims to uncover how the phrase “due process of law” has developed and was made applicable to the Philippine legal system. The Author also aims to show that despite changes in the words of the due process clause in Philippine laws, its application remains similar to the way it is practiced in the United States; however, such analysis will be limited to civil, criminal, and administrative proceedings in the Philippine context. A definition of terms as used in the Article is provided for.

The Article starts with a presentation of different historical backgrounds of due process, starting from due process as it has developed in the United States, followed by due process as interpreted during the Spanish regime in the Philippines and ending with an outline of the sources of provisions in the Constitution which cover due process. The Author also highlights some trends in Philippine due process since 1900. This coverage of this Article in this Issue ends with a discussion of due process in judicial proceedings.