

Testing Constitutional Waters: Balancing State Power, Economic Development and Respect for Human Rights

Sedfrey M. Candelaria

Floralie M. Pamfilo

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The Philippines, as a developing nation, is seriously confronted with the challenge of meeting the economic demands of a politically divided society. Pursuant to this, the administration of President Gloria Macapagal-Arroyo has taken steps to accelerate economic development during her term. Despite these efforts, the recent spate of political events and internal armed conflicts have contributed to the institutional fragility of government, highlighted by the continuing threat by a coalition of opposition groups to realize a change in the Presidency either through constitutional means or by force.

In other jurisdictions, state power has been exercised to emphasize pursuit of economic development; however, human rights are often sacrificed to realize this goal. As a result, it becomes imperative to examine the interplay between the exercise of state power and economic development, including its implications on human rights. It is the mandate of the Supreme Court that the exercise of state power by the Executive or the Legislative shall not infringe upon the fundamental liberties of citizens. Thus, the Court should apply the theory of indivisibility of human rights as a legal yardstick on issues which partake of a political character but have serious economic and human rights implications for the Philippines.