

## The Scope of Due Process in Philippine Law

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5 ATENEO L.J. 435 (1956)

*KEYWORD(S): DUE PROCESS, RIGHTS OF THE ACCUSED*

*SUBJECT(S): DUE PROCESS*

(Note: The first part of the abstract of this Article appears in the abstract of 55-3.)

The Article then proceeds to a discussion of the standard of procedural due process in criminal cases, with focus on the following rights: (a) the right to be heard by himself and counsel, (b) the right to be informed of the accusation against him, (c) the right to testify as a witness in his own behalf, (d) the right of confrontation, (e) the right to compel the attendance of witnesses in his behalf, and (f) the right to have a speedy and public trial. The general principles of due process in administrative cases are then laid down, with a deeper discussion with regard to the Boards of Special Inquiry, the Court of Industrial Relations, and the Public Service Commission. The provisions of due process are also analyzed in conjunction with the exercise of police power, in which it is seen as a limiting factor, and martial rule.

The Author concludes that the abstract meaning of the due process clause within the Philippine legal system lends itself to the very nature of the purpose of the clause itself — that which is meant to encompass a broad range of cases; hence the Supreme Court, in deciding cases which involves the issue of due process, applies the rule of “inclusion and exclusion” (i.e., apply the clause to suit the particular circumstances of the case). However, it should be pointed out that the development of this concept in the Philippines has slowed down due to the country’s relatively recent adoption of the clause, to the application of the aforementioned rule and other American precedents, and, generally, to the hesitant attitude of the Court to adopt new principles that are more suited for the times.