

## Has the President Power to Fix the Duration of Special Sessions?

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*SUBJECT(S): CONSTITUTIONAL LAW, POLITICAL LAW*

*KEYWORD(S): SYSTEM OF CHECKS AND BALANCE, EXECUTIVE POWER*

The Article deals with Section 9, Article VI of the 1935 Philippine Constitution which provides that the Congress may be called in a special session at any time by the President to consider general legislation or only such subjects as he may designate. It further provides that no special session shall continue longer than thirty days.

The Author's primary concern is whether or not the President has the power to fix the duration of special sessions of the Congress. In answering in the negative, eight reasons are discussed.

The first reason advances that the section does not expressly grant the authority to fix the duration. The second, on the other hand, construes the phrase "no special session shall continue longer than thirty days," as being meaningless if the President fixes the session's duration.

For the third, fourth and fifth reasons, reliance is made on the independence of the Legislative Department from the Executive Department.

The sixth reason interprets the provision based on the intent of the framers of the Constitution. The actions of Governor General Murphy and Acting Governor General Hayden are also taken into account as the seventh reason. The practice in the United States is provided as the last reason.