

Of Powers: Separation and Succession

Roberto V. Artadi

8 ATENEO L.J. 23 (1958)

SUBJECT(S): CONSTITUTION

*KEYWORD(S): SEPARATION OF POWERS, GOVERNMENT, EXECUTIVE,
PRESIDENTIAL SUCCESSION*

The principle of separation of powers is a significant doctrine characterizing an effective government. Such principle operates to limit the exercise of the powers of the three departments of the government, namely, the legislative, the executive, and the judiciary. Perceived as a means to promote liberty and prevent tyranny, such a principle was first brought into the Philippine Government by the United States through the promulgation of various organic laws establishing the matter. In turn, the Filipino people embraced the principle as exemplified by its eventual adoption into the Philippine Constitution. Although not by express provision, the fact that the three governmental powers are treated as separately signifies that indeed, the principle is firmly established in the Constitution.

As a result of such division of powers, the Constitution vests solely in the President executive powers. As a necessary consequence of such vesting of power to no other individual than the President alone, the Constitution prescribes two sets of rules concerning presidential succession in order to bar any possible state of vacancy that may occur in the presidential seat.

This Note presents the historical evolution of the laws governing presidential succession and how they highlight the conflicting issues of the prevention of vacancy, on the one hand, and the maintenance of the principle of separation of powers, on the other. Subsequently, the Note will discuss, as the final and existing law on the matter, Republic Act No. 181, which vests in an official of the legislative department the power to act as President while maintaining his position as a legislative official.

In the end, the Author suggests that an amendment to such a law is in order.