

The Civilian Commander

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The Article explores the role of the President of the Philippines as the Commander-in-Chief of the armed forces, as embodied and provided for by the Philippine Constitution. It begins by discussing its civilian nature and proceeds by emphasizing the doctrine of civilian supremacy. It also delves into the scope and the exercise of such power mainly by foreign presidents since at the time the article was written, the Philippine President's war powers remained virtually unused. Emphasis was also placed on the power of the President to suspend the Writ of Habeas Corpus — which requires the concurrence of two requisites, namely: (1) the existence of insurrection, rebellion or, invasion or imminent danger and (2) that the public safety demands it — as distinguished from its counterpart in the US Constitution. These requirements were discussed by looking into a series of judicial decisions. The Article also tackles the scope of the President's power to declare martial law and grant amnesty.

The Article ends by putting an emphasis on how the role and power of the Chief Executive as the Commander-in-Chief of the armed forces is tempered by the power of the Congress to regulate it.