

Constitution of the philippines essay sample

Law



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TITLE I

THE REPUBLIC

Article 1. The political association of all Filipinos constitutes a nation, whose state shall be known as the Philippine Republic Article 2. The Philippine Republic is free and independent Article 3. Sovereignty resides exclusively in the people.

TITLE II

THE GOVERNMENT

Article 4. The Government of the Republic is popular, representative, alternative, and responsible, and shall exercise three distinct powers: namely, the legislative, the executive, and the judicial. Any two or more of these three powers shall never be united in one person or cooperation, nor the legislative power vested in one single individual.

TITLE III

RELIGION

Article 5. The State recognizes the freedom and equality of all religions, as well as the separation of the Church and the State.

TITLE IV

THE FILIPINOS AND THEIR NATIONAL

AND INDIVIDUAL RIGHTS

Article 6. The following are Filipinos:

1. All persons born in the Philippine territory. A vessel of Philippine registry is considered, for this purpose, as part of Philippine territory.
2. Children of a Filipino father or mother, although born outside of the Philippines.

3. Foreigners who have obtained certification of naturalization. 4. Those who, without such certificate, have acquired a domicile in any town within Philippine territory. It is understood that domicile is acquired by uninterrupted residence for two years in any locality within Philippine territory, with an open abode and known occupation, and contributing to all the taxes imposed by the Nation. The condition of being a Filipino is lost in accordance with law. Article 7. No Filipino or foreigner shall be detained nor imprisoned except for the commission of a crime and in accordance with law. Article 8. All persons detained shall be discharged or delivered to the judicial authority within 24 hours following the act of detention. All detentions shall be without legal effect, unless the arrested person is duly prosecuted within 72 hours after delivery to a competent court. The accused shall be duly notified of such proceeding within the same period. Article

9. No Filipino shall be imprisoned except by virtue of an order by a competent court. The order of imprisonment shall be ratified or confirmed within 72 hours following the said order, after the accused has been heard. Article 10. No one shall enter the dwelling house of any Filipino or a foreigner residing in the Philippines without his consent except in urgent cases of fire, inundation, earthquake or similar dangers, or by reason of unlawful aggression from within, or in order to assist a person therein who cries for help. Outside of these cases, the entry into the dwelling house of any Filipino or foreign resident in the Philippines or the search of his papers and effects can only be decreed by a competent court and executed only in the daytime. The search of papers and effects shall be made always in the presence of the

person searched or of a member of his family and, in their absence, of two witnesses resident of the same place.

However, when a criminal caught in fraganti should take refuge in his dwelling house, the authorities in pursuit may enter into it, only for the purpose of making an arrest. If a criminal should take refuge in the dwelling house of a foreigner, the consent of a latter must first be obtained. Article 11. No Filipino shall be compelled to change his residence or domicile except by virtue of a final judgment. Article 12. In no case may correspondence confided to the post office be detained or opened by government authorities, nor any telegraphic or telephonic message detained. However, by virtue of a competent court, correspondence may be detained and opened in the presence of the sender. Article 13. All orders of imprisonment, of search of a dwelling house, or detention of written correspondence, telegraph or telephone, must be justified.

When an order lacks this requisite, or when the grounds on which the act was founded is proven in court to be unlawful or manifestly insufficient, the person to be detained or whose imprisonment has not been ratified within the period prescribed in Art. 9, or whose correspondence has been detained, shall have the right to recover damages. Article 14. No Filipino shall be prosecuted or sentenced, except by a judge or court of proper jurisdiction and according to the procedure prescribed by law. Article 15. Except in the cases provided by the Constitution, all persons detained or imprisoned not in accordance with legal formalities shall be released upon his own petition or upon petition of another person. The law shall determine the manner of proceeding summarily in this instance, as well as the personal and pecuniary

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penalties which shall be imposed upon the person who ordered, executed or to be executed the illegal detention or imprisonment.

Article 16. No one shall be temporarily or permanently deprived of rights or dstured in his enjoyment thereof, except by virtue of judicial sentence. The officials who, under any pretext whatsoever, should violate this provision, shall be personally liable for the damages caused. Article 17. No one shall be deprived of his property by expropriation except on grounds of public necessity and benefit, previously declared and justified by proper authorities, and indemnifying the owner thereof prior to expropriation. Article 18. No one shall be obliged to pay any public tax which had not been approved by the National Assembly or by local popular governments legally so authorized, and which is not in the manner prescribed by the law. Article 19. No Filipino who is in full enjoyment of his civil or political rights, shall be impeded in the free exercise of said rights. Article 20. Neither shall any Filipino be deprived:

1. Of the right to freely express his ideas or opinions, orally or in writing, through the use of the press or other similar means.
2. Of the right of association for purposes of human life and which are not contrary to public morals; and lastly
3. Of the right to send petitions to the authorities, individually or collectively. The right of petition shall not be exercised through any kind of armed force.