

Powers of congress essay sample

Law



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CLASSIFICATION OF THE POWERS OF CONGRESS

* Enumerated Powers – refer to those specifically or expressly conferred to the Congress by the Constitution. The enumerated powers of the Congress includes:

- * Power to impose taxes
- * Power of appropriations
- * Declare the existence of state of war
- * Power to meet as board of canvassers in the election of President and Vice President
- * Power of impeachment
- * Power to propose amendments to the constitution among many others *

Implied Powers – refer to such other powers as are necessarily implied from the given powers (Government of the Philippine Island vs. Springer, 50 Phil. 259 [1927]. This includes:

- * Power to punish witness for contempt in the conduct of legislative investigation and oversight
- * To elect such formal leadership of both Houses
- * To determine the rules of its proceedings, etc. *

Inherent Powers – are those that are neither granted nor implied there from, but rather they prefer to those that grow out from the very existence of Congress. It is sometimes referred to as incidental powers the congress enjoys. This includes 3 fundamental powers of State;

- * Police power

- * Power of eminent domain

- * Power to taxation

GENERAL LEGISLATIVE POWERS

* The general legislative powers of congress refer to its lawmaking powers. These refer to the authority of the Congress to enact. These power carry with it the right to amend and repeal them. This is considered the most important congressional function. * Under the Constitution, before a bill is approved by

the Senate and House becomes a law, it shall be presented to the President for his approval.

Statutes or Republic Acts

– are the laws passed by the Congress.

* An understanding of the lawmaking powers of the Congress requires knowledge on the limitations and the elaborate process of how laws are made.

A. Limitations

The following are the limitations on the law-making powers of the legislature:

1. SUBSTANTIVE LIMITATION – refer to the content or subject matter of the law passed by Congress. Express limitations – are expressly provided under the constitutions like the provision in the bill of rights on non-passage of laws abridging the freedom of speech, of expression, or of the press, non-impairment of obligators and contract, non-passage of ex-post facto law and bill of attainder. Implied limitations – those that can be implied from the nature and character of a legislative power under our system of government such as passage of irrevocable laws and the non-delegation of legislative powers are permissible in five instances:

- Delegation of emergency powers to the President
- Delegation of Tariff powers to the President
- Delegation of Administrative bodies
- Delegation to local government unit
- Delegation directly to the people

2. PROCEDURAL LIMITATION – refer to the process or manner of passing law.

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The following are the procedural limitations provided under the Constitution.

A. Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof. The purpose of the constitutional directive that the subject of bill should be embraced in its title is to apprise the legislators of the purposes, the nature and scope of its provisions, and prevent the enactment into law of matters, which have not received the notice action, and study of the legislators or of the public.

B. No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its immediate enactment to meet a public calamity or emergency.

B. Lawmaking Process

The following are the basic steps in the process of law making. * 1. Origin of Bills. The first step in lawmaking process is the creation and introduction of a bill.

Bill

– is a draft of a proposed statute or law submitted to the legislature for enactment.

– is introduced by a member of House of Representatives or Senate except to those which the Constitution requires exclusively in the Senate. * 2. Parts

of a Bill. A bill passed by Members of Congress contains the following parts: *

1. Title – indicates the subject matter of a bill. * 2. Preamble – is an introductory statement in the bill stating the rationale or reasons for the enactment, or the intention of lawmaker in presenting the measure. * 3.

Enacting clause – is that part which identifies the authority that promulgated the bill. * 4. Body of Statute – is part containing the subject of law; this is considered to be the most important part. The body is usually divided into titles, chapters, articles, sections and subsections.

* 5. Effectivity Clause – is part of the law which provides the date when the bill take effect on a specific date or immediately upon approval by the president. 3. PROCEDURE IN THE APPROVAL OF A BILL – The Constitution provides that before a bill passed by either House becomes a law, it shall first pass three readings on separate days with the exception of those – which the President will certify as necessary to meet public calamity. When a bill is filed, a Member of House or the Senate to its respective secretary, the bill will passed the first reading. On first reading, only the number and title of the bill is read and the Speaker refers it to the proper committee for consideration. The Committee may decide to kill the bill by taking no action on it or it may consider the bill and conduct a thorough study by conducting public hearings on the propose measure. The Committee will later submit a report, recommending the approval or disapproval of the bill. C. Second Reading

* Once the Committee approves the bill, it will be reported to the Rules Committee to be entered into the house calendar for second reading by the Full house. * On the second, the entire bill is read before the chamber and it is at this stage that the bill is debated and amended. The Rules Committee plays an important role at this stage, it sets the time limit for floor debate, provide for the manner on how the bill will be amended, and when the bill will be voted on. * After the bill has been approved, it is printed in its final <https://assignbuster.com/powers-of-congress-essay-sample/>

form and copies distributed to members at least three days before the third and last reading. D. Third Reading

* On the third reading, only the title of the bill is read. No amendment is allowed at this stage. Thereafter, the bill is voted upon for approval. If approved, the bill is transmitted to the other House where it will undergo the same three readings. If it will likewise be approved, it shall be transmitted to the President for his approval. * 1. Bicameral Conference Committee.

* To become a law, a bill must be passed in identical form by both the House and Senate. If there are differences in the version approved by both houses, the bill is then referred to the Bicameral Conference Committee to resolve the differences. E. Presidential Veto

VETO – is the power of President to reject a bill passed by the Congress. As a rule, the president must veto the entire bill. However, the President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object. An item is the particulars, the details, the distinct and severable parts of the appropriation of the bill. (Bengzon vs. Secretary of Justice and Usman Amelita, 62, Phil. 912 [1936]).

* Conference Committee – is a temporary committee consisting of Members from both House formed to bargain out the bill. Usually the members are appointed from the standing committees of the Senate and House who originally work on the bill. * 2. When a bill becomes a law

- * There are three ways in which a bill becomes a law:
- * When the President approves and signs it after Congress has presented the bill to him;
- * When the President does not act upon the bill within thirty days after it has been presented to him. It shall become a law as if he had signed it
- * When a bill is vetoed by the President and sent back to the House where it originated which shall enter the objections at large in the Journal, the bill becomes a law when Congress by a vote of two-thirds of its members agree to override the veto.

POWER OF LEGISLATIVE INVESTIGATION

* Power of Legislative Oversight

Part of the power to conduct investigation in aid of legislation is the oversight function of Congress. Oversight refers to the responsibility to question executive branch officials to see whether their agencies are complying with the wishes of the Congress and conducting their programs efficiently. Committees are usually formed to conduct oversight investigation like the Congressional Oversight Committee on the Y2K Act of the 11th Congress to check on the implementation of programs designed to prepare the Philippines for the millennium bug.

* Limitations on the Power of Investigation

The exercise of this power is subject to the following limitations:

- a. Must be in aid of legislation
 - b. Must be in accordance with its duly published rules and procedure
 - c. The rights of persons appearing in or affected by such inquiries shall be respected.
- ##### * Power to Punish Witness for Contempt

In the exercise of the power of legislative investigation, the Congress may

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punish witnesses for contumacy or disobedience. Said power must be considered implied or incidental to the exercise of legislative power or necessary to effectuate said power.

POWER OF APPROPRIATION

The Constitution provides that NO MONEY SHALL BE PAID OUT OF THE TREASURY EXCEPT IN PURSUANCE OF AN APPROPRIATION MADE BY LAW.

This is a recognition that the power to appropriate government funds for the operation of our government is granted to Congress.

The power of appropriation sometimes referred to as the POWER OF THE PURSUE, is exercised by the Congress through the enactment of an appropriation law. 1. Classification of Appropriation Law

Appropriations law in the Congress prepares two kind of appropriations law.

a. General Appropriation Law.

The general appropriations law is the government's annual budget.

b. Special Appropriation Law.

Appropriations designed for a specific purpose.

2. Limitations on Appropriations Measure

A. Public funds may be used only for a public purpose; therefore appropriations must be devoted to a public purpose. It is general rule that the legislature is without power to appropriate public revenues for anything but public purpose. B. The amount appropriated must be certain, which means that the sum authorized to be released should either be determinate or at least determinable. 3. Constitutional Guidelines on Appropriation

The following are the guidelines provided by the Constitution in the preparation of the general and special appropriations law.

a. Guidelines on General Appropriation

1. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the budget. In the preparation of the general appropriations, Congress uses as a basis the budget submitted by the President. The Budget is proposed.
2. The form, content, and manner of preparation of the budget shall be prescribed by law;
3. No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates. This provision will eliminate the inclusion in the general appropriations law of riders or a provision not germane to the subject matter of the bill, and is new and completely unrelated provision attached to the bill.
4. The procedure in approving appropriations for the Congress shall strictly follow the procedure for approving appropriations for the other department or agencies.
5. No law shall be passed authorizing any transfer for appropriations, however, the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Constitutional Commissions may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.
6. No public money or property shall be appropriated, applied, paid, or employed, directly or indirectly, for the use, benefit, or support of any sect, church, denomination,

secretarian institution, or system of religion, or of any priest, preacher, minister, or other religious teacher, or dignity as such, except when such priest, preacher, minister or dignitary is assigned to the armed forces, or to any penal institution, or government orphanage or leprosarium.

b. Guidelines on Special Appropriation

A special appropriations bill shall specify:

1. The purpose for which is intended
2. Shall be supported by funds actually available as certified by the National Treasurer, or to be raised by corresponding revenue proposed therein.

4. Directory Fund

Discretionary funds appropriated for particular officials shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law.

5. Automatic Reappropriations

If, by the end of any fiscal year, the Congress shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed reenacted and shall remain in force and effect until the general appropriations bill is passed by the Congress. POWER OF TAXATION

The power of taxation is the power to impose taxes.

TAXES – are what we pay for civilized society.

The Revenue raised in taxation is used to maintain the operation of our government. The Constitution vests in the legislature exercise of the power of taxation. It must be noted that even without an expressed constitutional

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grant, the power to tax together with the police power and power of eminent domain are inherent and indispensable power of government. Without which, the Government may not exist. * Rule of Taxation

The Constitution provides that the rule of taxation shall be uniform and equitable. A tax is considered uniform when it operates with the same force and effect in every place where the subject may be found. * Tax Exemption and Institutions Exempt from Taxation

No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the Congress. However, by express mandate of the Constitution, the following institutions are exempted from taxation: * Charitable institutions, churches and parsonages or covenants appurtenant thereto, mosques, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly and exclusively used for religious, charitable, or educational purposes. * All revenues and assets of non-stock, non-profit educational institutions used actually, directly and exclusively for educational purposes.

NON-LEGISLATIVE POWERS

* The Congress is also vested under the Constitution such other powers, non-legislative in nature such as power to declare the existence of war, the power to concur in presidential amnesties, the power to impeach the President, etc.