

[THE 1943 CONSTITUTION, September 04, 1943]

THE 1943 CONSTITUTION

Preamble

The Filipino people, imploring the aid of Divine Providence and desiring to lead a free national existence, do hereby proclaim their independence, and in order to establish a government that shall promote the general welfare, conserve and develop the patrimony of the Nation, and contribute to the creation of a world order based on peace, liberty, and moral justice, do ordain this Constitution.

Article I: The Republic of the Philippines

SECTION 1. The Philippines is a republican state. The government established by this Constitution shall be known as the Republic of the Philippines.

SEC. 2. The Republic of the Philippines shall exercise sovereignty over all the national territory as at present defined by law.

Article II: The Executive

SECTION 1. The Executive power shall be vested in the President of the Republic of the Philippines.

SEC. 2. The President shall be elected by a majority of all the members of the National Assembly at the place and on the date to be fixed by law.

SEC. 3. No person may be elected President unless he be a natural-born citizen of the Philippines, is forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. The President shall hold office during a term of six years and may not be re-elected for the following term.

SEC. 5. The term of the President shall end at noon on the thirtieth day of December following the expiration of six years after his election, and from such time the term of his successor shall begin. If his successor shall not have been chosen before such time, or if the President-elect shall have failed to qualify, then the outgoing President shall continue in office until his successor shall have been elected and qualified. In the event of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of his office, the same shall devolve on the ranking Minister in the order of precedence established by law until a new President shall have been elected for the unexpired term. In the latter case, the election shall be held within sixty days after such removal, death, resignation, or inability.

SEC. 6. Before assuming the duties of his office, the President shall take the following oath, or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Republic of the Philippines, preserve and

defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

SEC. 7. The President shall have an official residence and receive such compensation as may be fixed by law which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the government or any of its subdivisions or instrumentalities.

SEC. 8. The President shall have supervision and control of all the ministries, bureaus or offices, all local governments, and all other branches or instrumentalities of the Executive Department, and take care that the laws be faithfully executed.

SEC. 9. The President shall be commander-in-chief of all armed forces of the Republic of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawlessness, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, or when the public safety so requires, he may suspend the privilege of the writ of habeas corpus, or place the Philippines or any part thereof under martial law.

SEC. 10. The President shall appoint the Ministers and Vice-Ministers, and with the advice of his Cabinet, shall appoint ambassadors, diplomatic ministers and consuls, heads of bureaus and offices, officers of the Army from the rank of [colonel, of the Navy and of the Air forces from the rank of] captain or commander, provincial governors, city and municipal mayors, and all other officers of the government whose appointments are not otherwise provided for by law.

SEC. 11. There shall be a Council of State to advise the President on matters of national policy. It shall be composed of not more than twenty members to be appointed by the President from among citizens who may have rendered distinguished service to the Nation.

SEC. 12. The President, with the concurrence of two-thirds of all the members of the National Assembly, shall have the power to declare war and make peace, and, with the concurrence of a majority of all its members, conclude treaties. He shall receive ambassadors and diplomatic ministers duly accredited to the Republic of the Philippines.

SEC. 13. The President shall have the power to grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction, for all offenses, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the National Assembly.

SEC. 14. The President shall from time to time give to the National Assembly information of the state of the nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

Article III: The Legislature

SECTION 1. The Legislative power shall be vested in the National Assembly.

SEC. 2. The National Assembly shall be composed of the provincial governors and city mayors as members ex-officio and of delegates to be elected every three years, one from each and every province and chartered city. The date and manner of their election and the method of filling vacancies shall be prescribed by law, which shall not be subjected to change or modification during the Greater East Asia War.

SEC. 3. No person shall be elected to the National Assembly unless he has been five years a citizen of the Philippines, and is at least thirty years of age.

SEC. 4. (1) The National Assembly shall convene in regular session once every year on a date to be fixed by law, but no regular session shall continue longer than sixty days, exclusive of Sundays. It may also be called in special session by the President, for such time as he may determine, to consider general legislation or only such subjects as he may designate.

(2) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. A majority of all the members shall constitute a quorum to do business, but a smaller number may meet from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the National Assembly may provide.

(3) The National Assembly shall be the sole judge of the election, returns and qualifications of its elective members, and may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member. It shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy, and the yeas and nays on any question shall, at the request of one-fifth of its members present, be entered in the journal.

SEC. 5. The Speaker and members of the National Assembly shall receive such compensation as may be fixed by law, exclusive of traveling expenses to and from their respective province or cities in attending the sessions of the National Assembly. The National Assembly shall not have the power to increase the compensation of its Speaker and its members during their term of office.

SEC. 6. The members of the National Assembly shall be privileged from arrest during their attendance at the sessions of the National Assembly, and in going to and returning from the same, except when they commit a crime in which the penalty fixed by law is death or imprisonment or more than twelve years; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 7. (1) The President shall submit within ten days of the opening of each regular session of the National Assembly a budget of receipts and expenditures which shall be the basis of the general appropriation bill.

(2) If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills shall be deemed to be reappropriated for the several objects and

purposes therein specified, so far as the same may be done in the judgment of the President, until the general appropriation bill shall have been approved.

(3) No provision or enactment shall be embraced in the general appropriation bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 8. The Ministers, upon their own initiative or upon the request of the National Assembly, may appear before and be heard by the National Assembly on any matter pertaining to their ministries, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 9. (1) No bill which shall have passed the National Assembly shall become a law unless approved by the President. If he approves the same, he shall sign it; but if [it] not, he shall return it with his objections to the National Assembly, which shall enter the objections at large on its journal and may proceed to reconsider and reapprove it by a vote of two-thirds of all its members. In all such cases the votes of the National Assembly shall be determined by yeas and nays and the names of the members voting for and against shall be entered in the journal. If the President should disapprove the bill for the second time, the National Assembly may not during the same session reconsider and repass the bill. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Assembly by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within forty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation, revenue or tariff bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates.

SEC. 10. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed or become a law unless copies thereof in its final form shall have been furnished the members at least three calendar days prior to its passage by the National Assembly, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed; and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

SEC. 11. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall be appropriated, applied, or used directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 12. (1) The rule of taxation shall be uniform.

(2) The National Assembly may, by law, authorize the President, subject to such limitations and restrictions as it may impose, to fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage duties.

(3) Cemeteries, churches and parsonages or convents appurtenant thereto, and all lands, buildings and improvements used exclusively for religious, charitable or educational purposes, shall be exempt from taxation.

SEC. 13. In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

SEC. 14. When the National Assembly is not in session, the President may in cases of urgent necessity, promulgate rules and ordinances which shall have the force and effect of law until disapproved by resolution before the end of the next regular session of the National Assembly.

Article IV: The Judiciary

SECTION 1. The Judicial Power shall be vested in the Supreme Court and such inferior courts as may be established by law.

SEC. 2. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original Jurisdiction over cases affecting ambassadors, diplomatic ministers and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in all cases in which the constitutionality of any law, ordinance, or executive order or regulation is in question, or in which the jurisdiction of any court is in issue or where only errors or questions of law are involved.

SEC. 3. Unless otherwise provided by law, the Supreme Court shall be composed of a Chief Justice and six Associate Justices.

SEC. 4. The members of the Supreme Court shall be appointed by the President with the advice of the Cabinet. All judges of inferior courts shall be appointed by the President with the advice of the Supreme Court.

SEC. 5. No person may be appointed member of the Supreme Court unless he be a citizen of the Philippines, is at least forty years of age and has been a judge of a court of record or has been engaged in the practice of law in the Philippines for at least ten years.