

**THE POWER OF THE PRESIDENT OF THE
PHILIPPINES OVER LOCAL GOVERNMENTS
AND LOCAL OFFICIALS***

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At the outset it is important to note that the terms *local governments* and *local officials* do not have the same meaning and functions. This paper will attempt to point out that the power of the President of the Philippines over the former stems from a specific provision of the Constitution, whereas his power over the latter stems from one or more provisions of the same fundamental law, but definitely not from the provision from which he derives power over the local governments.

The *local governments* are the instrumentalities of the State through which its will and authority may be enforced in particular areas or *loci* which are relatively small parts of the national territory. These areas are the cells of the State. They have their respective "hearts" and "organs" indispensable to the accomplishment of their special functions. They may "grow throughout the ages" or "deform under the assaults of life."¹ Hence some kind of supervision, which includes a certain phase of control, is needed to insure the former and prevent the latter to happen.

The *local officials* are the persons authorized to administer their respective local governments. They are

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¹ Le Corbusier, *Concerning Town Planning* 11, 48 (1948).

men who "are fools (the dictionary says: autonomous, wise, reflective, reasoning, feeling); but men are not wise, reflective, or feeling, for they remember nothing, feel nothing, see nothing."² They come from the many, the people, who, as Woodrow Wilson observed, "are selfish, ignorant, timid, stubborn, or foolish . . . albeit there are hundreds who are wise."³ Necessarily another kind of supervision, which includes a certain form of control distinct from that adverted to it in the preceding paragraph, is needed to prevent the local officials from causing the local governments to "lose their vital nature and degenerate into vast parasitic conurbation."⁴

The specific portion of the Constitution involved in this study is Section 10, paragraph 1, Article VII. It reads:

"The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed."

This constitutional provision, it will be noted, has three distinct parts, viz.:

First Part: "*The President shall have control of all the executive departments, bureaus, or offices, . . .*"

Second Part: "*The President shall . . . exercise general supervision over all local governments as may be provided by law, . . .*"

Third Part: "*The President shall . . . take care that the laws be faithfully executed.*"

I shall attempt to explain each part and show the relation between one and the other. I will start with the second part for reasons which will presently be apparent.

² *Ibid.*, p. 33.

³ *The Study of Administration*, 2 *Pol. Sci. Q.* (1887); reprinted in 56 *Pol. Sci. Q.* 481 (1941).

⁴ Corbusier, *op. cit.* supra note 1, at 48.