

enforcement of laws, a matter clearly different from our constitutional provision empowering the President of the Philippines to exercise general supervision over local governments.

Removal of Local Officers

The Constitution of the Philippines, like the Constitution of the United States, contains no express reference to a power of the President to remove from office, except for the provision which authorizes the removal from office on impeachment of the President of the Philippines, the Vice-President of the Philippines, the Justices of the Supreme Court, the Auditor General, and the Commissioners on Elections.⁴¹ But the President may exercise the power to remove by implication from four known constitutional sources: (1) from his power to see that the laws are faithfully executed;⁴² (2) from "The Executive Power";⁴³ (3) from his power to appoint;⁴⁴ and (4) from the constitutional provisions that an officer may be removed for cause.⁴⁵ This implied power of the President to remove public officers may not be abridged by Congress but the proper courts have the power to decide questions regarding the constitutionality of any removal by him. This was the interpretation accepted after six days of

⁴¹ Art. IX, Sec. 1; Art. X, Sec. 1.

⁴² Field, O., *Civil Service Law* 180 (1939); Corwin, E., *The Presidents Office and Powers* 100 (1948).

⁴³ *Myers v. United States*, 272 U. S. 52 (1926); Corwin, *id.*, at 111, 114. In the *Myers* case, Mr. Chief Justice Taft said: "As he (the President) is charged specifically to take care that they be faithfully words, was that as part of his executive power he should select executed, the reasonable implication, even in the absence of express those who were to act for him under his direction in the execution of the laws. The further implication must be, in the absence of any express limitation respecting removals, that as his selection of administrative officers is essential to the execution of the laws by him, so must be his power of removing those for whom he can not continue to be responsible," *Cf. Humphrey's Executor v. United States*, 295 U. S. 602 (1935).

⁴⁴ See note 42 *supra*.

⁴⁵ Phil. Const. Art. XII, Sec. 4.

debate in the United States Senate on the question whether the power of removal, and hence the control of executive officials, belonged to the President, the Senate, or both.⁴⁶ Mr. Justice Peckham said in *Parsons v. United States*:

"Then ensued what has been many times described as one of the ablest constitutional debates which has taken place in Congress, since the adoption of the Constitution. It lasted for many days, and all arguments that could be thought of by men—many of whom had been instrumental in the preparation and adoption of the Constitution—were brought forward in debate in favor of or against that construction of the instrument which reposed in the President alone the power to remove from office."⁴⁷

This implied power of the President to remove public officers in the executive, we may also say administrative, departments is applicable not only to the officers of the National government but also to those of the local governments, the simple reason being that both levels of governments form part of the "The Government of the Philippines" as defined in Section 2 of the Revised Administrative Code.

Removal of Elective Local Officials

One of the sources I indicated above from which the President may derive his implied power to remove local officials is Section 4 of Article XII of the Constitution which provides that "No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law." This provision refers to those falling under the "merit system" and not to those belonging to the "political system" or the "patronage system."⁴⁸ The local elective officials belong to the "political system" and those appointed by the President and other appointing

⁴⁶ United States Civil Service Commission, *History of the Federal Civil Service* 3 (1941).

⁴⁷ 167 U. S. 324, 329 (1897). See also Charles Warren's account of the debate, quoted in Rivera, J., *Law of Public Administration* 659 (1956).

⁴⁸ Field, O., *op. cit. supra* note 42, at 3. See *War v. Leche*, 189 La. 113, 179 So. 52 (1937).