

Is P.D. 1396, Creating the Ministry of Human Settlements, Tainted with Constitutional Infirmary?

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SUBJECT(S): CONSTITUTIONAL LAW

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Presidential Decree (P.D.) No. 1396 is entitled “Creating the Department of Human Settlements and the Human Settlements Development Corporation, Appropriating Funds Therefor, and Accordingly Amending Certain Presidential Decrees.” The Article presents the opposite views regarding the compliance of the said law with the constitutional test of “one-subject-one-bill” rule, taking into consideration that Section 3 of P.D. No. 1396 provides the establishment of the Metro Manila Region as the National Capital Region of the Philippines and its administration is now vested in the Secretary of Human Settlements.

On the one hand, the first view affirms the constitutionality of the said law. It argues that the “one-subject-one-bill” rule applies only to bills passed by the National Assembly and not to presidential decrees. It also argues that the title of the law need not be a complete index of its contents and that the contents of Section 3 are still germane to the creation of the Department of Human Settlements.

On the other hand, the second view finds the establishment of the National Capital Region of the Philippines as being foreign to the creation of the Department of Human Settlements. It argues that the application of the “one-subject-one-bill” rule also finds application in presidential decrees.

To the Author, the rule that a law is presumed constitutional until declared otherwise must still hold true and that only the Supreme Court can decide the constitutionality of the said law.