

Testing Constitutional Waters VIII: Coming
Full Circle: Executive Power and Judicial
Consistency as Applied to *Marcos v.*
Manglapus and *Ocampo v. Enriquez*

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The 1987 Constitution of the Philippines lodges the executive power in the President. However, given its broad concept, it gives the Supreme Court the task of determining the scope and extent of such power. This was best illustrated in the manner the Court decided in two landmark cases, the 1989 case of *Marcos v. Manglapus* and the 2016 case of *Ocampo v. Enriquez*.

The Article explores the similarities between the two cases beyond its subject, the former President Ferdinand E. Marcos. At the outset, it appears that the cases have stark differences considering the consequences of the same; but the way the concept was treated was, in its essence, similar. Subsequently, the discussion then shifts to how judicial consistency played a role in the cases. Consequently, the Article dissects the justifications behind the main decisions and its accompanying dissents, while factoring in the political tensions and affinity of the justices who participated in the cases' deliberations. This way, it can be illustrated, albeit superficially, how in spite of the publicity and scrutiny surrounding the two cases — which were highly political — the justices decided based on their independent interpretation of the law.